

<b>UNITED STATES OF AMERICA</b> <b>NATIONAL LABOR RELATIONS BOARD</b> <b>CHARGE AGAINST EMPLOYER</b>		<b>DO NOT WRITE IN THIS SPACE</b> Case <span style="float: right;">Date Filed</span> 10-CA-139074 <span style="float: right;">10-20-14</span>	
<b>INSTRUCTIONS:</b> File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.			
<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>			
a. Name of Employer James Booth-JKS & K, Inc. d/b/a McDonald's & McDonald's Corp., as Joint and Single Employers		b. Number of workers employed 100	
c. Address  James Booth-JKS & K Inc. 8584 Rivers Ave., Suite 103 North Charleston, SC 29406  McDonald's Corp. 2111 McDonald's Dr. Oak Brook, IL 60523	d. Employer Representative  JKS & K Inc.: (b) (6), (b) (7)(C)  McDonald's: Gloria Santana	e. Telephone No. (843) 744-0626	
f. Type of Establishment Restaurant	g. Identify principal product or service Food Service		
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1), (3), and (4) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.			
<b>2. BASIS OF THE CHARGE</b> (Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
On or about (b) (6), (b) (7)(C) 2014, the above named employer unlawfully interfered with, restrained, and coerced employees in the exercise of their rights under the Act by: (b) (6), (b) (7)(C) an employee (b) (6), (b) (7)(C) in retaliation for engaging in union activity; -terminating employee (b) (6), (b) (7)(C) for retaliation for engaging in union activity.			
<b>3. Full name of party filing charge (if labor organization, give full name, including local name and number)</b> Southern Workers Organizing Committee			
4a. Address (street and number, city, state, and ZIP code)  314 S. Wilmington St., Suite 207 Raleigh, NC 27601		4b. Telephone No. (b) (6), (b) (7)(C)	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)			
<b>5. DECLARATION</b>			
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.			
 (Signature of representative or person making charge)		Paul Smith, Attorney (Title if any)	
Address <u>Patterson Harkavy LLP 100 Europa Drive, Suite 420 Chapel Hill, NC 27517</u>		(919) 942-5200 (Telephone No.)	
(Date) <u>10/20/14</u>			
<b>WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)</b>			



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 10  
233 Peachtree St NE  
Harris Tower Ste 1000  
Atlanta, GA 30303-1504

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (404)331-2896  
Fax: (404)331-2858



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NLRB  
Mobile App

October 20, 2014

(b) (6), (b) (7)(C)

James Booth-JKS & K, Inc. d/b/a McDonald's & McDonald's Corp., as Joint and Single Employers  
8584 Rivers Ave  
Charleston, SC 29406

Re: James Booth-JKS & K, Inc. d/b/a  
McDonald's & McDonald's Corp., as Joint  
and Single Employers  
Case 10-CA-139074

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney JEFFREY D. WILLIAMS whose telephone number is (404)331-2899. If this Board agent is not available, you may contact Supervisory Field Attorney LISA HENDERSON whose telephone number is (404)331-2889.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of**

**the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.**

Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

October 20, 2014

Very truly yours,

A handwritten signature in black ink that reads "Claude T Harrell Jr". The signature is written in a cursive, slightly slanted style.

CLAUDE T. HARRELL JR.  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Gloria Santona, Counsel  
McDonald's Corp  
2111 McDonald's Drive  
Oak Brook, IL 60523

Doreen S. Davis, Attorney  
Jones Day  
222 East 41st Street  
New York, NY 10017-6702

Andrew G. Madsen, ESQ.  
Jones Day  
77 W. Wacker Drive, Suite 3500  
Chicago, IL 60601-1701

JONATHAN M LINAS, Attorney  
Jones Day  
77 W WACKER DR., Ste. 3500  
CHICAGO, IL 60601-1692

STEPHEN C. MITCHELL, ESQ.  
Fisher & Phillips, LLP  
1320 Main St Ste 750  
Columbia, SC 29201-3284

Matthew Korn, Esquire  
Post Office Box 11612  
Columbia, SC 29211



**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

**CASE NAME**

James Booth-JKS &amp; K, Inc. d/b/a McDonald's &amp; McDonald's Corp., as Joint and Single Employers

**CASE NUMBER**

10-CA-139074

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**

A. STATE OF INCORPORATION OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date: \_\_\_\_\_

**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may

cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**JAMES BOOTH-JKS & K, INC. D/B/A  
MCDONALD'S & MCDONALD'S CORP., AS  
JOINT AND SINGLE EMPLOYERS**

Charged Party

and

**SOUTHERN WORKERS ORGANIZING  
COMMITTEE**

Charging Party

**Case 10-CA-139074**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on October 20, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

James Booth-JKS & K, Inc. d/b/a McDonald's  
& McDonald's Corp., as Joint and Single  
Employers  
8584 Rivers Ave  
Charleston, SC 29406

Gloria Santona, Counsel  
McDonald's Corp  
2111 McDonald's Drive  
Oak Brook, IL 60523

Doreen S. Davis, Attorney  
Jones Day  
222 East 41st Street  
New York, NY 10017-6702

Andrew G. Madsen, ESQ.  
Jones Day  
77 W. Wacker Drive, Suite 3500  
Chicago, IL 60601-1701

JONATHAN M LINAS, ESQ., Attorney  
Jones Day  
77 W WACKER DR., Ste. 3500  
CHICAGO, IL 60601-1692

STEPHEN C. MITCHELL, ESQ.  
Fisher & Phillips, LLP  
1320 Main St Ste 750  
Columbia, SC 29201-3284

Matthew Korn, Esquire  
Post Office Box 11612  
Columbia, SC 29211

October 20, 2014

---

Date

Designated Agent of NLRB

---

Name

/s/ Paul E. Dorsey

---

Signature





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 10  
233 Peachtree St NE  
Harris Tower Ste 1000  
Atlanta, GA 30303-1504

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (404)331-2896  
Fax: (404)331-2858



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NLRB  
Mobile App

October 20, 2014

(b) (6), (b) (7)(C)

Southern Workers Organizing Committee  
314 S. Wilmington St, #207  
Raleigh, NC 27601

Re: James Booth-JKS & K, Inc. d/b/a  
McDonald's & McDonald's Corp., as Joint  
and Single Employers  
Case 10-CA-139074

Dear (b) (6)(b) (6), (b) (7)(C)

The charge that you filed in this case on October 20, 2014 has been docketed as case number 10-CA-139074. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney JEFFREY D. WILLIAMS whose telephone number is (404)331-2899. If this Board agent is not available, you may contact Supervisory Field Attorney LISA HENDERSON whose telephone number is (404)331-2889.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

October 20, 2014

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Claude T Harrell Jr". The signature is written in a cursive, slightly slanted style.

CLAUDE T. HARRELL JR.  
Regional Director

cc: Paul Smith, ESQ.  
Patterson Harkavy LLP  
100 Europa Drive  
Suite 250  
Chapel Hill, NC 27517



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 10  
233 Peachtree St NE  
Harris Tower Ste 1000  
Atlanta, GA 30303-1504

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (404)331-2896  
Fax: (404)331-2858

Agent's Direct Dial: (404)331-2899

October 23, 2014

Stephen C. Mitchell, Esq.  
Matthew Korn, Esquire  
Fisher & Phillips LLP  
PO Box 11612  
Columbia, SC 29211-1612

Doreen S. Davis, Esq.  
Jones Day  
222 East 41st Street  
New York, NY 10017-6739

Andrew G. Madsen, Esq.  
Jonathan M Linas, Esq.  
Jones Day  
77 W. Wacker Drive, Suite 3500  
Chicago, IL 60601-1701

Re: James Booth-JKS & K, Inc. d/b/a  
McDonald's & McDonald's Corp., as Joint  
and Single Employers  
Case 10-CA-139074

Dear Mr. MITCHELL, Mr. Korn, Ms. Davis, Mr. Madsen, Mr. LINAS:

I am writing this letter to advise you that it is now necessary for me to take evidence from your clients regarding the allegations raised in the investigation of the above-captioned matter. As explained below, I am requesting to take affidavits on or before Monday, November 4, 2014, with regard to certain allegations in this case.

**Allegations:** The allegations for which I am seeking your evidence are as follows. It is alleged that your clients (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) and later discharged (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) union activities. It is alleged that on (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7)(C) falsely alleged to police that (b) (6), (b) (7)(C) reported to work (b) (6), (b) (7)(C) and was disruptive. It is alleged that (b) (6), (b) (7)(C) began to scrutinize (b) (6), (b) (7)(C) work after (b) (6), (b) (7)(C) participated in a demonstration outside the store on (b) (6), (b) (7)(C) 2014. It is alleged that in about (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7)(C) was involved in a verbal confrontation with another employee, (b) (6), (b) (7)(C) where threats were exchanged. It is alleged that (b) (6), (b) (7)(C) was not



discharged for this behavior. It is alleged that on about (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) sent a text to (b) (6), (b) (7)(C) shift managers instructing them to not allow (b) (6), (b) (7)(C) to work late, to not allow (b) (6), (b) (7)(C) to work unless (b) (6), (b) (7)(C) is completely in uniform, and to write (b) (6), (b) (7)(C) up for anything (b) (6), (b) (7)(C) does.

**Board Affidavits:** I am requesting to take affidavits from (b) (6), (b) (7)(C) and any other individuals you believe have information relevant to the investigation of the above-captioned matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me ASAP to schedule these affidavits.

**Documents:** Please provide any and all other evidence you deem to be relevant to the case:

**Position on 10(j) Relief:** You are also requested to provide your position as to the appropriateness of Section 10(j) injunctive relief in this matter. As you may know, Section 10(j) of the Act permits the NLRB to ask a federal district court “for appropriate temporary relief or restraining order” pending the Board’s resolution of an unfair labor practice charge. The district court is authorized to grant “such temporary relief or restraining order as it deems just and proper.” If the Region determines the Charged Party has violated the Act as alleged, the Region will consider whether to seek injunctive relief in this matter. Accordingly, please provide your position, legal theory, case law, and supporting evidence regarding whether injunctive relief would be appropriate for the alleged violations in this case and whether such injunctive relief would be just and proper. I wish to emphasize that the Region has not yet made a decision as to whether the Charged Party has violated the Act as alleged. Rather, we want to provide you with adequate notice that injunctive relief will be considered if such a decision is made.

**Date for Submitting Evidence:** To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by Tuesday, November 4, 2014. If you are willing to allow me to take affidavits, please contact me ASAP to schedule a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), select **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (404)331-2899, or e-mail, [jeffrey.williams@nlrb.gov](mailto:jeffrey.williams@nlrb.gov), so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

James Booth-JKS & K, Inc. d/b/a  
McDonald's & McDonald's Corp., as Joint  
and Single Employers  
Case 10-CA-139074

- 3 -

October 23, 2014

Very truly yours,

JEFFREY D. WILLIAMS  
Field Attorney



JKS & K, Inc. dba McDonald's  
8584 Rivers Ave., Suite 103  
North Charleston, SC 29406  
(843) 553-4999  
Fax: (843) 553-0444

(b) (6), (b) (7)(C) 2014

(b) (6), (b) (7)(C)

Dear (b) (6), (b) (7)(C)

This letter is to inform you of your termination, please see below.

**Termination Notice:**

An incident occurred on (b) (6), (b) (7)(C), 2014, where (b) (6), (b) (7)(C) reported to work and (b) (6), (b) (7)(C) suspected that (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) due to (b) (6), (b) (7)(C) inappropriate and threatening behavior, including yelling and cursing in front of customers, and refusal to follow instructions or perform (b) (6), (b) (7)(C) job duties. (b) (6), (b) (7)(C) also (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) then left the Store, in (b) (6), (b) (7)(C) uniform and on Company time, to purchase (b) (6), (b) (7)(C) across the street and brought it back on the Company's property in a (b) (6), (b) (7)(C). A North Charleston police officer suspected that (b) (6), (b) (7)(C) had been (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) acted belligerent toward (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) report also verified that (b) (6), (b) (7)(C) on Company property.

As part of its investigation of this incident, (b) (6), (b) (7)(C) met with (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C), 2014, and (b) (6), (b) (7)(C) did not provide any legitimate explanation for (b) (6), (b) (7)(C) behavior. During this meeting, (b) (6), (b) (7)(C) did not deny that (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) at work on (b) (6), (b) (7)(C), 2014. Based on the results of its investigation, JKS&K has determined that (b) (6), (b) (7)(C) is in violation of JKS&K's rules of conduct policy that employees should not possess, partake of or report to work (b) (6), (b) (7)(C) on company property or time. Based on (b) (6), (b) (7)(C) violation of this policy, (b) (6), (b) (7)(C) employment is terminated effective immediately.

(b) (6), (b) (7)(C)



## INCIDENT REPORT

INFORMATION  
ONLY☐

CASE NUMBER

(b) (6), (b) (7)(C)

INQ. No

INQ.	ENTD.
No	No

INCIDENT TYPE

COMPLETED

FORCED ENTRY

PREMISE TYPE

UNITS ENTERED

TYPE VICTIM  
☐ Individual  
☐ Business  
☐ Financial Inst  
☐ Government  
☐ Relig Orgn  
☐ Soc./Public  
☐ Other  
☐ Unknown  
☐ Police Off.

DISORDERLY CONDUCT

YES NO

YES NO

RESTAURANT

YES NO

YES NO

YES NO

YES NO

LEAVE

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)  
2958 W Montague AVE, NORTH CHARLESTON, SCZIP CODE  
29418

WEAPON TYPE

INCIDENT DATE  
(b) (6), (b) (7)(C) 201424 HR. CLOCK  
(b) (6), (b) (7)(C)

TO

DATE  
(b) (6), (b) (7)(C) 201424 HR. CLOCK  
(b) (6), (b) (7)(C)DISP. DATE  
(b) (6), (b) (7)(C) 2014DISP. TIME  
(b) (6), (b) (7)(C)TIME ARRIVED  
(b) (6), (b) (7)(C)DEPART. TIME  
(b) (6), (b) (7)(C)LOCATION NO  
005COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)  
(b) (6), (b) (7)(C)

RELATIONSHIP TO SUBJECT

RESIDENT

RACE

SEX

AGE

ETH

DAYTIME PHONE

EVENING PHONE

ADDRESS

(b) (6), (b) (7)(C)

CITY

(b) (6), (b) (7)(C)

STATE

ZIP CODE

(b) (6), (b) (7)(C)

LOCATION NO

VICTIM'S NAME (LAST, FIRST, MIDDLE)  
MCDONALDS

RELATIONSHIP TO SUBJECT

RESIDENT

RACE

SEX

AGE

ETH

DAYTIME PHONE

EVENING PHONE

HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC

ADDRESS

2188 WEST MONTAGUE AVE

CITY

N CHAS

STATE

SC

ZIP CODE

29406-

LOCATION NO

VIOLENCE (M/F) YES NO EXPLAIN

COMPLAINT OF ANY NON-VIOLENCE YES NO

VICTIM USING ALCOHOL YES NO UNK

DRUGS YES NO UNK TYPE

TWO MAN VEH

ONE MAN VEH

DETECTIVE PLASMT

OTHER

ALONE

ASSISTED

\*J-This Jurisdiction

S-State

O-Out of State

U-Unknown

SUSPECT

NAME (LAST, FIRST, MIDDLE)

(b) (6), (b) (7)(C)

RACE

SEX

AGE

ETH

DATE OF BIRTH

HEIGHT

WEIGHT

HAIR

EYES

RUNAWAY

WANTED

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC

DAYTIME PHONE

EVENING PHONE

WARRANT

ARREST

ADDRESS

(b) (6), (b) (7)(C)

CITY

(b) (6), (b) (7)(C)

STATE

ZIP CODE

(b) (6), (b) (7)(C)

LOCATION NO.

JAIL

SUMMONS

SUBJECT USING ALCOHOL YES NO UNK

ARRESTED NEAR OFFENSE SCENE YES NO

DATE/TIME OF OFFENSE

(b) (6), (b) (7)(C) 2014

DATE/TIME OF ARREST

(b) (6), (b) (7)(C) 2014

CRUITS YES NO UNK TYPE

TOTAL # ARRESTED

DAY OF THE WEEK

S M T W T F S UNK

HOW REPORTED

A= OFFICER DISPATCHED ON CALL

D= COMPLAINT WRITTEN IN

DIFF. FACTOR

A= RESISTANCE/HOSTILITY

E= COMPLAINANT FRE

QUENTLY INTOXICATED

B= REPORT TAKEN BY PHONE

C= COMPLAINANT WALKED IN

F= OTHER

N= MENTAL SUBJECT

F= DOMESTIC

N= NORMAL

F= DOMESTIC

N= NORMAL

F= DOMESTIC

N= NORMAL

F= DOMESTIC

N= NORMAL

I responded to 2188 W. Montague Ave (Mcdonalds) for a disturbance complaint. On my arrival I met with the complainant who stated the

suspect/employee was cursing and causing a disturbance in the buisness. The suspect arrived to work and (b) (6), (b) (7)(C) and began

arguing with the complainant. The complainant attempted to calm the suspect down and ask (b) (6), (b) (7)(C) to lower (b) (6), (b) (7)(C) voice but (b) (6), (b) (7)(C) continued to

curse and yell. The suspect wasn't even (b) (6), (b) (7)(C) per the complainant. I made contact with (b) (6), (b) (7)(C) while (b) (6), (b) (7)(C) was standing

outside of the buisness. I immediately (b) (6), (b) (7)(C) coming from (b) (6), (b) (7)(C) person and noticed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

stated (b) (6), (b) (7)(C) was upset because (b) (6), (b) (7)(C) was asking to go home. (b) (6), (b) (7)(C) didn't quite make (b) (6), (b) (7)(C) point since (b) (6), (b) (7)(C) wasn't even (b) (6), (b) (7)(C). (b) (6), (b) (7)(C)

was holding a bag containing (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) became biligerant towards me while I was

FINANCIAL

PROPERTY

EVIDENCE

## ADDITIONAL NARRATIVE

Agency Name NORTH CHARLESTON POLICE DEPARTMENT	ORI #: (b) (6), (b) (7)(C)	Report Date/Time (b) (6), (b) (7)(C) 0/2014	OCA #: (b) (6), (b) (7)(C)
---	-------------------------------	--	-------------------------------

talking with the complainant. After the complainant finished telling me the whole disturbance I advised the suspect (b) (6), (b) (7)(C) was under arrest for disorderly conduct. (b) (6), (b) (7)(C) was placed in issued handcuffs double locked and properly spaced. (b) (6), (b) (7)(C) was transported to Charleston County Detention Center for booking and lodging awaiting bond. (b) (6), (b) (7)(C) was charged on citation # (b) (6), (b) (7)(C) and given a court date of (b) (6), (b) (7)(C), 2014 (b) (6), (b) (7)(C)

**From:** [Paul Smith](#)  
**To:** [Williams, Jeffrey D.](#)  
**Cc:** [lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org); [Jaakov Schulman](#)  
**Subject:** 10-CA-139074 Position Statement  
**Date:** Wednesday, November 26, 2014 5:29:13 PM  
**Attachments:** [POS 10-CA-139074 \(b\) \(6\), \(b\) \(7\)\(C\) pdf](#)  
[POS 10-CA-139074 exhibits.pdf](#)

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Mr. Williams,

Please find attached a position statement in support of the charging party in case number 10-CA-139074, along with accompanying exhibits. A supplemental statement from (b) (6), (b) (7)(C) is included at the conclusion of the position statement. (b) (6), (b) (7)(C) has indicated that (b) (6) can provide a sworn affidavit attesting to the facts contained in that statement upon request.

Exhibit 11 is an audio recording of (b) (6), (b) (7)(C) termination meeting. I will send it in a separate e-mail due to its size.

Please let me know if we can provide any additional information. Thanks for your work on this case -- I hope you have a happy Thanksgiving.

Paul

Paul E. Smith  
Patterson Harkavy LLP  
100 Europa Dr., Ste. 420  
Chapel Hill, NC 27517  
(919) 942-5200  
(866) 397-8671 fax  
[www.pathlaw.com](http://www.pathlaw.com)

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November 26, 2014

**Via e-mail**

Mr. Jeffery Williams  
Field Attorney  
National Labor Relations Board  
Region 10  
233 Peachtree Street NE  
Atlanta, GA 30303

**Re: Southern Workers Organizing Committee/JKS & K Inc. d/b/a  
McDonald's and McDonald's Corp., as Joint and Single Employers  
10-CA-139074**

Mr. Williams:

Please accept this letter as a statement of position in support of the above referenced unfair labor charges alleging JKS & K Inc. and McDonald's ("Employer") violated Sections 8(a)(1), (3) and (4) of the National Labor Relations Act by calling the police on (b) (6), (b) (7)(C) and terminating (b) (6), (b) (7)(C) is a (b) (6), (b) (7)(C) and was the target of Employer's anti-union campaign for (b) (6), (b) (7)(C). Employer enlisted shift managers to spy on (b) (6), (b) (7)(C) and instructed them to write (b) (6), (b) (7)(C) up for everything. (b) (6), (b) (7)(C) withstood Employer's heightened scrutiny and hostile treatment until (b) (6), (b) (7)(C) 2014 when Employer unjustifiably called the police on (b) (6), (b) (7)(C) and terminated (b) (6), (b) (7)(C) for a rule violation provoked by the arrest.

This letter will outline the union's prima facie case for discrimination and provide authority and argument for individual allegations. For the forgoing reasons, the union respectfully requests that absent settlement a complaint should be issued in this matter.

**I. Factual Background**

(b) (6), (b) (7)(C) has been working for Employer on and off for approximately (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) was working at Employer's location on South Rivers Avenue in (b) (6), (b) (7)(C) 2014 when (b) (6), (b) (7)(C) met (b) (6), (b) (7)(C) and joined the union. In or around the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) terminated (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) union activity under the pretext of (b) (6), (b) (7)(C) inability to cover a shift on (b) (6), (b) (7)(C) day off. (b) (6), (b) (7)(C) settled the



unfair labor practice before charges were filed by putting (b) (6), (b) (7)(C) back to work at the Montague store.<sup>1</sup>

(b) (6), (b) (7)(C) was reinstated at the Montague store on (b) (6), (b) (7)(C) 2014 and immediately began organizing (b) (6), (b) (7)(C) co-workers. On (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7)(C) attended the union's regional convention in Charlotte, North Carolina where (b) (6), (b) (7)(C) learned that (b) (6), (b) (7)(C) had the right to wear a union button to work. (b) (6), (b) (7)(C) began wearing a "Raise Up for 15" campaign button on (b) (6), (b) (7)(C) visor when (b) (6), (b) (7)(C) returned to work.<sup>2</sup> (b) (6), (b) (7)(C) wore the button on (b) (6), (b) (7)(C) visor every day until (b) (6), (b) (7)(C) 2014. On (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) called the store approximately twenty minutes into (b) (6), (b) (7)(C) shift and told (b) (6), (b) (7)(C) to remove the button because (b) (6), (b) (7)(C) was "soliciting." Later during (b) (6), (b) (7)(C) shift, the (b) (6), (b) (7)(C) sent (b) (6), (b) (7)(C) home early for having strike participation forms folded up under (b) (6), (b) (7)(C) register. The (b) (6), (b) (7)(C) reported the incident to (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) also revealed to (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) regularly reported to the (b) (6), (b) (7)(C) everything that (b) (6), (b) (7)(C) did, including that (b) (6), (b) (7)(C) was wearing a button. (b) (6), (b) (7)(C), (b) (7)(D) (b) (6), (b) (7)(C) proudly identified herself to (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C) (b) (6), (b) (7)(C).

On (b) (6), (b) (7)(C), during (b) (6), (b) (7)(C) day off, (b) (6), (b) (7)(C) went to the South River store to sign up workers for the strike. When (b) (6), (b) (7)(C) returned to work on (b) (6), (b) (7)(C) 2014 for (b) (6), (b) (7)(C) next scheduled shift, (b) (6), (b) (7)(C) conducted a disciplinary meeting focused on (b) (6), (b) (7)(C) union activity. First, (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) could not longer wear a button or bring strike petitions into the store, (b) (6), (b) (7)(C), (b) (7)(D) (b) (6), (b) (7)(C), (b) (7)(D) (b) (6), (b) (7)(C), (b) (7)(D) Next, (b) (6), (b) (7)(C) scrutinized (b) (6), (b) (7)(C) uniform and told (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) needed to retrieve (b) (6), (b) (7)(C) tie from home before (b) (6), (b) (7)(C) would be able to clock-in. Several other workers were not wearing ties that day and normally management lends employees (b) (6), (b) (7)(C), (b) (7)(D) (b) (6), (b) (7)(C), (b) (7)(D) Finally, (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was not scheduled to work the week of (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) had heard that (b) (6), (b) (7)(C) was telling people (b) (6), (b) (7)(C) had quit when (b) (6), (b) (7)(C) was recruiting strikers from the South River store.

The union filed charges in response to Employer's (b) (6), (b) (7)(C) disciplinary actions the next day. On (b) (6), (b) (7)(C), 2014, Employer increased its efforts to chill participation in the strike. (b) (6), (b) (7)(C) circulated a text message telling (b) (6), (b) (7)(C) that they would be suspended if they went on strike.<sup>3</sup> On (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7)(C) doubled down on (b) (6), (b) (7)(C) retaliation against (b) (6), (b) (7)(C) by instructing (b) (6), (b) (7)(C) that "Everything that (b) (6), (b) (7)(C) does

<sup>1</sup> Exhibit 1: Statement of (b) (6), (b) (7)(C)

<sup>2</sup> Exhibit 2: Button photograph

<sup>3</sup> Exhibit 3: (b) (6), (b) (7)(C) Text Conversation, (b) (6), (b) (7)(C) 2014.

need to be written up.”<sup>4</sup> (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), participated in the strike on (b) (6), (b) (7)(C).<sup>5</sup> During the strike, (b) (6), (b) (7)(C) gave several interviews to the media.<sup>6</sup>

(b) (6), (b) (7)(C), (b) (7)(D) 2014. Organizing efforts at the store slowed until (b) (6), (b) (7)(C) 2014 when (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) began recruiting workers to attend the (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were the only workers from (b) (6), (b) (7)(C) store that attended the (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C), 2014, though several others requested time off in order to go. At the (b) (6), (b) (7)(C) spoke to several media outlets and represented the (b) (6), (b) (7)(C). When (b) (6), (b) (7)(C) returned to work on (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7)(C) realized (b) (6), (b) (7)(C) hours had been reduced from (b) (6), (b) (7)(C). On (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7)(C) led a rally outside of the store to highlight the Board’s recent joint employer finding. (b) (6), (b) (7)(C) also spoke to the media during this rally.<sup>7</sup> (b) (6), (b) (7)(C) was working at the time. (b) (6), (b) (7)(C) locked the door and closed the store for the pendency of the rally<sup>8</sup> and appeared to be upset with (b) (6), (b) (7)(C) when (b) (6), (b) (7)(C) returned to work.

From (b) (6), (b) (7)(C) 2014 until (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7)(C) worked at (b) (6), (b) (7)(C) reduced schedule of (b) (6), (b) (7)(C). The union filed a charge regarding the hour reduction in mid-August 2014. When (b) (6), (b) (7)(C) inquired why (b) (6), (b) (7)(C) had been reduced, (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) via typewritten note that it was because of high labor costs. It is true that other workers had their hours reduced to compensate for high labor costs but the burden was exclusively shouldered by union workers that had requested and/or received weekend off.

On (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7)(C) participated in the nationwide fast food strikes.<sup>9</sup> Following the strike, (b) (6), (b) (7)(C), (b) (7)(D) 2014. (b) (6), (b) (7)(C) realized (b) (6), (b) (7)(C) was not on the schedule for the (b) (6), (b) (7)(C) 2014. (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) needed to put (b) (6), (b) (7)(C) back on the schedule or (b) (6), (b) (7)(C) would file another unfair labor practice charge. (b) (6), (b) (7)(C) “wrote in” (b) (6), (b) (7)(C) on the schedule for (b) (6), (b) (7)(C), including (b) (6), (b) (7)(C) 2014.

(b) (6), (b) (7)(C) worked the (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C) week without incident. On (b) (6), (b) (7)(C) arrived for (b) (6), (b) (7)(C) shift at or around (b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C) clocked in and worked as a (b) (6), (b) (7)(C) for about (b) (6), (b) (7)(C) before (b) (6), (b) (7)(C) came over and began preparing orders, which interfered with (b) (6), (b) (7)(C) work.

<sup>4</sup> Exhibit 4: (b) (6), (b) (7)(C) Text Conversation, (b) (6), (b) (7)(C) 2014.

<sup>5</sup> Exhibit 5: (b) (6), (b) (7)(C) 14 Strike notice

<sup>6</sup> Exhibit 6: (b) (6), (b) (7)(C) Media Clips

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Exhibit 8: (b) (6), (b) (7)(C) 14 Strike Notice

(b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) to move and let (b) (6), (b) (7)(C) do (b) (6), (b) (7)(C) job. (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was a (b) (6), (b) (7)(C) and could be in whatever position (b) (6), (b) (7)(C) wanted to be in. Shortly after (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) had this exchange, (b) (6), (b) (7)(C) received a call from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) walked to the back of the store where employees are permitted to take phone calls during worktime. (b) (6), (b) (7)(C) followed (b) (6), (b) (7)(C) to the back area and told (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) needed to go home. When (b) (6), (b) (7)(C) asked why, (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) was being sent home for arguing and answering (b) (6), (b) (7)(C) cellphone.

(b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) to call (b) (6), (b) (7)(C) and have (b) (6), (b) (7)(C) confirm that (b) (6), (b) (7)(C) should leave the store. As a (b) (6), (b) (7)(C) does not have the authority to send workers home. Indeed, (b) (6), (b) (7)(C) had recently been terminated for allegedly abandoning (b) (6), (b) (7)(C) job when (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) to go home – and when (b) (6), (b) (7)(C) explained to (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) only left because (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) to leave, (b) (6), (b) (7)(C) denied it. (b) (6), (b) (7)(C) therefore asked (b) (6), (b) (7)(C) to call (b) (6), (b) (7)(C) and have (b) (6), (b) (7)(C) confirm that (b) (6), (b) (7)(C) should leave the store. (b) (6), (b) (7)(C) then made a phone call and said that (b) (6), (b) (7)(C) had confirmed that (b) (6), (b) (7)(C) should go home. Based on (b) (6), (b) (7)(C) recent termination, (b) (6), (b) (7)(C) remained skeptical and asked to speak with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) then threatened to call the police if (b) (6), (b) (7)(C) did not leave. (b) (6), (b) (7)(C) then called (b) (6), (b) (7)(C) to ask what (b) (6), (b) (7)(C) should do. (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) to leave. (b) (6), (b) (7)(C) then left the store without saying anything else to (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) remained on the phone with (b) (6), (b) (7)(C) and went across the street to purchase (b) (6), (b) (7)(C) to calm (b) (6), (b) (7)(C) nerves. At some point after (b) (6), (b) (7)(C) left the store, (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) ride that (b) (6), (b) (7)(C) needed to be picked up. (b) (6), (b) (7)(C) continued to speak with (b) (6), (b) (7)(C) on the phone and waited in the Days Inn parking lot adjacent to the restaurant.<sup>10</sup> Strangely, Employer contends (b) (6), (b) (7)(C) was on “company time” during this period even though it does not dispute that it had previously instructed (b) (6), (b) (7)(C) to leave the store.<sup>11</sup>

(b) (6), (b) (7)(C) was in the parking lot for about (b) (6), (b) (7)(C) when the police arrived. (b) (6), (b) (7)(C) spoke with the officers in the parking lot. After a few minutes, (b) (6), (b) (7)(C) pointed out (b) (6), (b) (7)(C) and the officers called (b) (6), (b) (7)(C) back onto Employer’s property. (b) (6), (b) (7)(C) complied with the order to meet (b) (6), (b) (7)(C) on the property but remained on the phone with (b) (6), (b) (7)(C). The officer asked (b) (6), (b) (7)(C) to hang up (b) (6), (b) (7)(C) phone. (b) (6), (b) (7)(C) did not comply with this order because (b) (6), (b) (7)(C) was asking to speak to the officer so (b) (6), (b) (7)(C) could explain that (b) (6), (b) (7)(C) was engaged in an ongoing labor dispute with the Employer and the police were only called to retaliate against (b) (6), (b) (7)(C). The officer refused to speak with (b) (6), (b) (7)(C) and eventually disconnected the call.

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<sup>10</sup> The union makes an offer of proof in the form of the attached statement regarding these facts and is able to provide (b) (6), (b) (7)(C) to testify in an affidavit at the Board’s convenience.

<sup>11</sup> Exhibit 9: Termination letter

During this time, (b) (6), (b) (7)(C) was taunting (b) (6), (b) (7)(C) and was speaking on (b) (6), (b) (7)(C) phone with someone. (b) (6), (b) (7)(C) responded to (b) (6), (b) (7)(C) prodding by cursing at (b) (6), (b) (7)(C) to go back inside the store. The officer eventually arrested (b) (6), (b) (7)(C) for disorderly conduct. The police report reveals that (b) (6), (b) (7)(C) lied to the officer by telling (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) and should not have been on the property.<sup>12</sup> The officer did not (b) (6), (b) (7)(C) nor did (b) (6), (b) (7)(C) have probable cause to arrest (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C). Further, (b) (6), (b) (7)(C) did not have probable cause to arrest (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) since (b) (6), (b) (7)(C) based the arrest on (b) (6), (b) (7)(C) uncorroborated account of what (b) (6), (b) (7)(C) observed.

On (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7)(C) had a termination meeting with (b) (6), (b) (7)(C). At the meeting, (b) (6), (b) (7)(C) said that (b) (6), (b) (7)(C) was informed that (b) (6), (b) (7)(C) arrived late to work, was talking on (b) (6), (b) (7)(C) cellphone and cursing at (b) (6), (b) (7)(C) in front of customers, was refusing to comply with (b) (6), (b) (7)(C) work directives, was “maybe, possibly a (b) (6), (b) (7)(C)” and had (b) (6), (b) (7)(C) onto the property.<sup>13</sup> (b) (6), (b) (7)(C) responded that (b) (6), (b) (7)(C) was only trying to speak to (b) (6), (b) (7)(C) and asked why the police officer did not give (b) (6), (b) (7)(C) a (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) suspected (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) ended the meeting stating that they would continue their investigation and inform (b) (6), (b) (7)(C) of their findings via mail. (b) (6), (b) (7)(C) received a letter informing (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) had been terminated for violating the company’s policy prohibiting (b) (6), (b) (7)(C) on company property.<sup>14</sup>

## II. Legal Argument

An employee establishes a prima facie case of discrimination when it shows that: (1) an employee was engaged in protected activity; (2) the employer was aware of the activity; and (3) animus towards the protected activity was a motivating or substantial factor a subsequent adverse employment action. *Wright Line*, 251 NLRB 1083 (1980), *enfd.* 662 F.2d 889 (1st Cir. 1981), *approved in NLRB v. Transportation Management Corp.*, 462 U.S. 393, 399-403 (1983); *American Gardens Management Co.*, 338 NLRB 644 (2002). An employer cannot rebut a prima facie case of discrimination by merely articulating a legitimate nondiscriminatory reason for its action. Instead, an employer bears both the burden of production and the burden of persuasion: it must it must affirmatively introduce sufficient evidence to persuade the Board that it would have taken the same employment action regardless of the protected activity. *See Hyatt Regency Memphis*, 296 NLRB 259, 260 (1989). If an employer’s proffered nondiscriminatory reason is found to be pretextual, that fact itself supports a finding that the employer acted unlawfully. *See Limestone Apparel Corp.*, 255 NLRB 722 (1981); *Active Transp.*, 296 NLRB 431, 432 (1989). The Board also recognizes that Employer’s resisting union organizing campaigns often provoke employee misconduct to get rid of union leaders.

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<sup>12</sup> Exhibit 10: Incident Report

<sup>13</sup> Exhibit 11: Audio recording of termination meeting

<sup>14</sup> Exhibit 9

Consequently, it is well established that an employer cannot rely on employee misconduct as legitimate grounds for discipline when they provoked the misconduct. The overall circumstances of (b) (6), (b) (7)(C) arrest and termination prove that Employer would not have discipline (b) (6), (b) (7)(C) but for (b) (6), (b) (7)(C) union and board activity.

1. The Union has established a prima facie case for discrimination in violation of Section 8(a)(3) of the Act

The union's prima facie case is clear. (b) (6), (b) (7)(C) has been consistently engaging in protected activity since (b) (6), (b) (7)(C) joined the union in (b) (6), (b) (7)(C) 2014. Employer irrefutably had knowledge of (b) (6), (b) (7)(C) general union involvement and expressed animus towards (b) (6), (b) (7)(C) on various occasions.

Striking is protected concerted activity under the Act. *McClendon Elec. Servs., Inc.*, 340 NLRB 613, 613 (2003); *Hostar Marine Trans. Sys., Inc.*, 298 NLRB 188, 193 (1990) (citing *NLRB v. Washington Aluminum Co.*, 370 U.S. 9 (1962); *Int'l Van Lines*, 409 U.S. 48, 52-53 (1972)). Moreover, recruiting co-workers to join the union, attending union sponsored events, and speaking to the media all constitute protected activity under the Act. See *Eastex Inc. v. NLRB*, 437 US 556, 570 (1978) (holding solicitation and discussing possibility of joining union with other employees is protected section 7 activity); *Nat'l Steel & Shipbuilding Co.*, 324 NLRB 499, 501-2 (1997) (identifying attendance at peaceful rallies protected concerted activity); *All State Insurance Company*, 322 NLRB 759 (2000) (holding discriminatees interview with media was protected activity under the Act). Therefore, (b) (6), (b) (7)(C) undisputedly engaged in protected concerted activity when (b) (6), (b) (7)(C) went on strike on (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) also engaged in union activity when (b) (6), (b) (7)(C) solicited union cards from (b) (6), (b) (7)(C) co-workers, led the (b) (6), (b) (7)(C) 2014 joint employer rally outside of (b) (6), (b) (7)(C) store, attended the (b) (6), (b) (7)(C), and spoke with press about the union's efforts to organize the industry.

Employer has direct knowledge of (b) (6), (b) (7)(C) activities. The union delivered strike notices to the Montague store informing management that (b) (6), (b) (7)(C) was on strike. Employer's management observed (b) (6), (b) (7)(C) outside of the Montague in (b) (6), (b) (7)(C) 2014. Finally, Employer had constructive knowledge of (b) (6), (b) (7)(C) various media interviews since they appeared in local and national publications and broadcasts.<sup>15</sup>

Employer also demonstrated animus towards (b) (6), (b) (7)(C) union conduct by scrutinizing (b) (6), (b) (7)(C) more closely, disparately applying work rules to (b) (6), (b) (7)(C) and engaging in various 8(a)(1) violations. The Board considers stricter enforcement of valid work rules against pro-union employees strong evidence of animus. See *St. John's Community Services-New Jersey*, 355 NLRB 414, 415 (2010); *Publix Super Markets, Inc.*, 347 NLRB 1434, 1439 (2006); *Fluor Daniel Inc.*, 333 NLRB 427, 429 (2001). In *St. John's*

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<sup>15</sup> Exhibit 6

*Community Services*, the Board held that the employer's unprecedented termination of a union employee for their first infraction and statement that it "now...we have to go by the book" was evidence of animus. *St. John's Community Services*, 355 NLRB at 415. The Board found that the statement was evidence of animus since it "makes clear that the Respondent was tightening its disciplinary policy in response to its employees' union activity." *Id.*

Similarly, in *Publix Super Markets*, the Board held that the employer's atypically strict application of its punctuality rule against a union supporter was evidence of anti-union animus. *Publix Super Mkts.*, 347 NLRB at 1439. While the employer had proved that the rule was facially valid and had been applied to four non-union employee, the pro-union employee was the only violator who was not given the benefit of warnings prior to being disciplined. *Id.* at 1440.

Here, (b) (6), (b) (7)(C) was targeted for disparate discipline for rule violations. As in *St. John's Community*, Employer admitted that it was going to begin applying the rules more strictly. (b) (6), (b) (7)(C) text that (b) (6), (b) (7)(C) needed to be written up for everything and stating that (b) (6), (b) (7)(C) was not to work unless (b) (6), (b) (7)(C) was in (b) (6), (b) (7)(C) demonstrates that Employer was changing how it applied its policy. Tie-

Employer explicitly stated that it intended to apply the rules more strictly to (b) (6), (b) (7)(C) on account of (b) (6), (b) (7)(C) union activity. Moreover, the text also demonstrates that (b) (6), (b) (7)(C) was being more closely scrutinized on account of (b) (6), (b) (7)(C) union affiliation. (b) (6), (b) (7)(C) like the discriminatee in *Publix*, was targeted for immediate discipline where (b) (6), (b) (7)(C) co-workers were either given pass or verbal warnings prior to being written up. Even though Employer maintains valid uniform rules, it clearly does not apply them to everyone since (b) (6), (b) (7)(C) directed (b) (6), (b) (7)(C) staff to write up only (b) (6), (b) (7)(C) for non-compliance. In the same vein, Employer evidenced its anti-union animus by calling the police on (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) dispute with (b) (6), (b) (7)(C). In (b) (6), (b) (7)(C) threatened (b) (6), (b) (7)(C) with physical violence for interfering in (b) (6), (b) (7)(C) conversation. (b) (6), (b) (7)(C) was merely suspended for (b) (6), (b) (7)(C) threat whereas (b) (6), (b) (7)(C) authorized (b) (6), (b) (7)(C) to call the police on (b) (6), (b) (7)(C) over a verbal disagreement that involved no threats of violence. Finally, Employer has evidenced its animus through its numerous 8(a)(1) violations including its (b) (6), (b) (7)(C) threat to suspend strike participants, (b) (6), (b) (7)(C) comments creating an impression of surveillance, (b) (6), (b) (7)(C) actual surveillance, and the allegations in charge 10-CA-134248.

In sum, the union has established a clear prima facie case for discrimination.

2. (b) (6), (b) (7)(C) discipline and termination were also in violation of Section 8(a)(4) of the Act

It is unlawful for an employer to discipline an employee for filing a charge with or providing a statement to the National Labor Relations Board. As with Section 8(a)(3)

violations, the Board uses the *Wright Line* causation test to analyze the employer violated Section 8(a)(4) of the Act. *Williamhouse of California Inc.*, 317 NLRB 699 (1995). Once an employer's knowledge of an employee's participation in Board proceedings is established, indicia of an Employer's retaliatory animus include evidence that the employer's proffered reasons for imposing discipline are pretextual, and proximate timing between employer's disciplinary actions and progress of board investigation are all *Douglas Aircraft Company*, 308 NLRB 1217, 1220 (1992).

Here, (b) (6), (b) (7)(C) has been participating in Board proceedings since (b) (6), (b) (7)(C) 2014. Employer unequivocally knew about (b) (6), (b) (7)(C) Board activity, as (b) (6), (b) (7)(C) received copies of the charges naming (b) (6), (b) (7)(C) via certified mail. The Board can infer animus towards (b) (6), (b) (7)(C) board activity from the timing of the Employer's unfair labor practices. Within (b) (6), (b) (7)(C) of receiving notice of (b) (6), (b) (7)(C) 2014 charges, Employer terminated (b) (6), (b) (7)(C). The close timing between (b) (6), (b) (7)(C) charge and (b) (6), (b) (7)(C) termination is sufficient to support a finding of retaliatory intent in light of the record as a whole.

### 3. (b) (6), (b) (7)(C) Alleged Rule Violations Were Pretextual

Notwithstanding the employee's violation of a legitimate work rule if the reasoning does not ring true in light of the overall circumstances. *See Neptune Water Meter Co. v. NLRB*, 551 F.2d 568, 570 (1977); *Detroit Paneling Systems, Inc.*, 330 NLRB 1170, 1170 (2000). There is no dispute that (b) (6), (b) (7)(C) violated certain rules on (b) (6), (b) (7)(C), 2014. However, these violations were provoked, exaggerated, and seized upon as a pretext to warrant calling the police and ultimately terminating (b) (6), (b) (7)(C). The overall circumstances of (b) (6), (b) (7)(C) termination suggest that (b) (6), (b) (7)(C) on Employer's property in compliance with the officer's order was not the real reason (b) (6), (b) (7)(C) was fired. In addition to the charging party's strong prima facie showing, multiple indicia of pretext are present in this case.

#### A. The significant discrepancies in Employer's justifications for disciplining (b) (6), (b) (7)(C) create an inference of pretext.

Shifting rationales for imposing discipline are evidence of pretext. *K-Air Corp.*, 360 NLRB No.030 (2014); *Bay Corrugated Container, Inc.*, 310 NLRB 450, 451 (1993). The Board found pretext where the Employer's reason for demoting the discriminatee was inconsistent with its conduct. *Bay Corrugated Container*, 310 NLRB at 451. In *Bay Corrugated Container*, the Employer claimed it demoted the discriminatee because it suspected he had falsified a workers compensation claim. However, this reason was deemed a pretext since the employer never investigated the issue or requested a fuller report from his doctor. *Id.* at 464. In *K-Air Corp.*, the Board found the employer's decision to terminate the discriminatee was motivated by anti-union animus because it initially told the discriminatee he was fired for financial reasons before claiming he had



been terminated because he was incompetent. *K-Air Corp.*, 360 NLRB at 2. The Board held the “effect of both rationales were pretextual.”

Here, Employer’s reason for calling the police on (b) (6), (b) (7)(C) is inconsistent with the reason (b) (6), (b) (7)(C) gave the police officer on the day of the arrest. During (b) (6), (b) (7)(C) termination meeting, Employer stated that it received a report that (b) (6), (b) (7)(C) was “possibly maybe (b) (6), (b) (7)(C),” refusing to take over for drive thru, cursing loudly, and on (b) (6), (b) (7)(C) cell phone. These acts were the basis for calling the police. However, (b) (6), (b) (7)(C) informed the officer that (b) (6), (b) (7)(C) called 911 because: (1) (b) (6), (b) (7)(C) came to the store when (b) (6), (b) (7)(C) was not scheduled to work; (2) (b) (6), (b) (7)(C) began arguing with (b) (6), (b) (7)(C) upon arrival; and (3) (b) (6), (b) (7)(C) refused to stop cursing and yelling when (b) (6), (b) (7)(C) asked. As in *Bay Corrugated*, Employer’s fabricated allegation that (b) (6), (b) (7)(C) came to the store when (b) (6), (b) (7)(C) was not on the schedule speaks volumes about its intent. (b) (6), (b) (7)(C) would not have lied that (b) (6), (b) (7)(C) was scheduled to work or exaggerated (b) (6), (b) (7)(C) behavior if cursing loudly, refusing to work drive-thru, and being on (b) (6), (b) (7)(C) cell phone truly warranted calling the police. (b) (6), (b) (7)(C) exaggerated and factually inaccurate account to the police demonstrates that (b) (6), (b) (7)(C) minor argument with (b) (6), (b) (7)(C) was not the real reason Employer called the police and subsequently terminated (b) (6), (b) (7)(C).

Furthermore, Employer’s characterization of (b) (6), (b) (7)(C) “on company time” contradicts its position on the day of the arrest and during (b) (6), (b) (7)(C) termination meeting. (b) (6), (b) (7)(C) termination letter states that “(b) (6), (b) (7)(C) then left the Store, in (b) (6), (b) (7)(C) uniform and on Company time, to purchase (b) (6), (b) (7)(C) across the street and brought it back on the Company’s property in an (b) (6), (b) (7)(C).” It is unclear how (b) (6), (b) (7)(C) was “on company time” when (b) (6), (b) (7)(C) left the store if (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) had already told (b) (6), (b) (7)(C) to go home. Employer’s incongruent factual allegations regarding whether (b) (6), (b) (7)(C) was asked to leave the property warrant a finding of pretext.

These two reasons also conflict with the reasoning given in the termination letter, which was that (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) onto company property. Employer’s inconsistent reasoning proves that it seized on the incident as a pretext to terminate (b) (6), (b) (7)(C).

B. Employer’s decision to call the police on (b) (6), (b) (7)(C) was an overblown and angry response to (b) (6), (b) (7)(C) misconduct, indicating pretext

An employer's departure from established procedures for discharge is evidence of unlawful motive. *Detroit Newspaper Agency*, 342 NLRB 1268, 1284 (2004); *Eddyleon Chocolate Co.*, 301 NLRB 887, 889 (1991); *Richmond Refining Co.*, 212 NLRB 16, 19 (1974); see also *D.H. Baldwin Co.*, 207 NLRB 25, 27 (1973), *enfd.* 505 F.2d 736 (8th Cir. 1974). The Board has held that an Employer’s extreme or “unique and angry” response to misconduct is evidence of pretext. *Cherry Hill Convalescent Center Inc.*, 309 NLRB 518, 524 (1992)(finding president’s rare and angry participation in termination proceedings evidenced pretext); *Detroit Paneling Systems, Inc.*, 330 NLRB 1170, 1170

(2000)(finding employer's decision to terminate worker stopping in the lunchroom before going home was an extreme response and constituted evidence of pretext).

Even if (b) (6), (b) (7)(C) had been causing a disturbance, an allegation we contest, (b) (6), (b) (7)(C) was no longer doing so when (b) (6), (b) (7)(C) called the police. It is undisputed that (b) (6), (b) (7)(C) had ceased arguing with (b) (6), (b) (7)(C) and left the store when (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) to call the North Charleston police. Thus, Employer's decision to call the police on (b) (6), (b) (7)(C) when (b) (6), (b) (7)(C) had left the property was clearly a departure from protocol. Involving the police in workplace disputes was not company policy since Employer did not call the police on (b) (6), (b) (7)(C) when (b) (6), (b) (7)(C) threatened (b) (6), (b) (7)(C).

Moreover, Employer's decision to call the police was an objectively angry and extreme response regardless of established policy. There was no legitimate reason to call the police after (b) (6), (b) (7)(C) left the property. Thus, Employer's decision to call the police was evidence of pretext.

- C. (b) (6), (b) (7)(C) was terminated suspiciously soon after participating in the (b) (6), (b) (7)(C) strike and (b) (6), (b) (7)(C) after (b) (6), (b) (7)(C) pledged to file another unfair labor practice.

The Board has repeatedly found that when an employer takes an adverse action against an employee in the two to three weeks after that employee engaged in protected activity, that timing is evidence that the decision was motivated by anti-union animus. *See, eg, Tubular Corp. of America*, 337 NLRB 99 (2001) (holding that a termination was motivated by discriminatory intent because employee was fired less than two weeks after engaging in protected concerted activity); *NLRB v. RELCO Locomotive*, 734 F.3d 764, 782 (2013) (finding that it was reasonable for the Board to infer termination was motivated by animus because the employee was discharged a mere month after he publicly challenged CEO); *Electronic Data Systems Corp.*, 305 NLRB 219 (1991) (finding that it was reasonable to infer improper motive where an employer discharged an employee one month after it discovered union organizing efforts).

Similar to the employee in *Tubular*, (b) (6), (b) (7)(C) was arrested (b) (6), (b) (7)(C) after (b) (6), (b) (7)(C) participated in the (b) (6), (b) (7)(C) 2014 strike. Additionally, (b) (6), (b) (7)(C) arrest came a (b) (6), (b) (7)(C) after (b) (6), (b) (7)(C) protested (b) (6), (b) (7)(C) retaliatory removal from the scheduled by threatening to file an unfair labor practice charge. (b) (6), (b) (7)(C) was terminated (b) (6), (b) (7)(C) after (b) (6), (b) (7)(C) objected to the retaliation. The close proximity between (b) (6), (b) (7)(C) protected activities and discipline is evidence of pretext.

4. (b) (6), (b) (7)(C) Was Provoked Into Violating the (b) (6), (b) (7)(C) 1 Rule That Allegedly Motivated (b) (6), (b) (7)(C) Termination

The Board has long recognized that an employer cannot provoke an employee to

the point where she commits an indiscretion and then rely on that conduct to terminate her employment. *Key Food*, 336 NLRB 111, 113 (2001). For instance in *Key Food*, the employer could not claim it legitimately terminated the employee for poking supervisor in the shoulder in response to supervisor's abusive tirade. *Id.* The Board explained, "while an employee is not justified in resorting to violent self-help to settle differences with a supervisor, we do not find that Santana's conduct amounted to that or was so unreasonable in relation to the Respondent's provocation as to justify his discharge." *Id.*

Here, each of (b) (6), (b) (7)(C) alleged rule violations were provoked by Employer. First, (b) (6), (b) (7)(C) argument with (b) (6), (b) (7)(C) was in response to Employer's nearly (b) (6), (b) (7)(C) campaign to retaliate against (b) (6), (b) (7)(C) harassment. Per (b) (6), (b) (7)(C) text instruction to target (b) (6), (b) (7)(C) was picking apart (b) (6), (b) (7)(C) work and disparately applying the store's cellphone rule. As such, (b) (6), (b) (7)(C) telling (b) (6), (b) (7)(C) to leave (b) (6), (b) (7)(C) alone was not "unreasonable in relation to" Employer's provocation.

Next, (b) (6), (b) (7)(C) refusal to follow (b) (6), (b) (7)(C) instruction to leave the store was also motivated by Employer's anti-union campaign. (b) (6), (b) (7)(C) refused to comply with (b) (6), (b) (7)(C) instruction to leave because (b) (6), (b) (7)(C) knew that Employer had justified (b) (6), (b) (7)(C) termination by claiming (b) (6), (b) (7)(C) abandoned (b) (6), (b) (7)(C) job when (b) (6), (b) (7)(C) left work per (b) (6), (b) (7)(C) request.

Finally, (b) (6), (b) (7)(C) only (b) (6), (b) (7)(C) on company property to comply with the police officer's order. The police report and (b) (6), (b) (7)(C) affidavit demonstrate that (b) (6), (b) (7)(C) was not in the store after (b) (6), (b) (7)(C) had purchased (b) (6), (b) (7)(C). In fact, (b) (6), (b) (7)(C) was in the Days Inn parking lot waiting for (b) (6), (b) (7)(C) ride and only came back on the property when the officer asked (b) (6), (b) (7)(C) to walk over to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) would not have (b) (6), (b) (7)(C) on the property if Employer had not unjustifiably called the police on (b) (6), (b) (7)(C). Thus, Employer cannot rely on this rule violation as a basis for (b) (6), (b) (7)(C) termination.

### III. Conclusion

For the aforementioned reasons, the charging party respectfully submits that the Regional Director should issue complaint against Employer.

Please let us know if we can provide you any additional information or evidence to aid in your investigation.

Sincerely,

Paul E. Smith

**Affidavit of (b) (6), (b) (7)(C)**  
**(b) (6), (b) (7)(C) 2014**

**CONFIDENTIAL WITNESS STATEMENT**

**I, (b) (6), (b) (7)(C), state as follows:**

1. I am a (b) (6), (b) (7)(C). I work primarily in Charleston, South Carolina. Our campaign, commonly known as Raise Up SC, is part of a national movement to secure \$15 an hour and union rights for fast food workers.
2. I began organizing the (b) (6), (b) (7)(C) McDonald's stores in (b) (6), (b) (7)(C).
3. (b) (6), (b) (7)(C) has been a member of Raise Up since (b) (6), (b) (7)(C) 2014. (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C) and represents the (b) (6), (b) (7)(C).
4. Since moving to the Montague store on (b) (6), (b) (7)(C) has told me that (b) (6), (b) (7)(C) has been the target of unfair treatment because of (b) (6), (b) (7)(C) union affiliation.
5. Management at the Montague store tends to increase its retaliatory efforts against (b) (6), (b) (7)(C) shortly before and after significant union events, including one day strikes.
6. The Montague store targets other Raise Up members as well. For example, (b) (6), (b) (7)(C) was fired from the store (b) (6), (b) (7)(C) before the (b) (6), (b) (7)(C) strike. (b) (6), (b) (7)(C) was fired because (b) (6), (b) (7)(C) followed (b) (6), (b) (7)(C) order to go home but (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) abandoned (b) (6), (b) (7)(C) job.
7. On (b) (6), (b) (7)(C), 2014, I called (b) (6), (b) (7)(C) around (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) informed me that (b) (6), (b) (7)(C) was at work and (b) (6), (b) (7)(C) was trying to send (b) (6), (b) (7)(C) home.
8. (b) (6), (b) (7)(C) was very upset. (b) (6), (b) (7)(C) did not know whether (b) (6), (b) (7)(C) should stay or leave. I told (b) (6), (b) (7)(C) should ask to speak with (b) (6), (b) (7)(C). When (b) (6), (b) (7)(C) told me that (b) (6), (b) (7)(C) had threatened to call the police, I instructed (b) (6), (b) (7)(C) to leave.
9. (b) (6), (b) (7)(C) agreed to leave and we stayed on the phone for another (b) (6), (b) (7)(C). We stopped our conversation briefly so (b) (6), (b) (7)(C) could call (b) (6), (b) (7)(C) ride and let (b) (6), (b) (7)(C) know (b) (6), (b) (7)(C) needed to be picked up from work early. (b) (6), (b) (7)(C) called me back less than (b) (6), (b) (7)(C).
10. (b) (6), (b) (7)(C) told me (b) (6), (b) (7)(C) was waiting for (b) (6), (b) (7)(C) ride outside of the Days Inn next door. A few minutes after (b) (6), (b) (7)(C) and I resumed our conversation, (b) (6), (b) (7)(C) told me the police had arrived. A few minutes after (b) (6), (b) (7)(C) told me this, I heard the officer tell (b) (6), (b) (7)(C) to "come here." I heard the officer tell (b) (6), (b) (7)(C) to hang up the phone.
11. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was talking to (b) (6), (b) (7)(C). I asked (b) (6), (b) (7)(C) to tell the police officer that I wanted to speak with (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) communicated my request and the officer said no. At one point I heard (b) (6), (b) (7)(C) yell at (b) (6), (b) (7)(C) to go back inside. The police officer laughed at this.
12. After about two minutes of trying to get the officer to speak to me, the call was disconnected. I tried calling back several times but there was no answer.

# **EXHIBIT 1**



Affidavit of (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C), 2014

### CONFIDENTIAL WITNESS AFFIDAVIT

I, (b) (6), (b) (7)(C), state as follows:

1. I am a (b) (6), (b) (7)(C).  
I work primarily in Charleston, South Carolina.
2. I began organizing the (b) (6), (b) (7)(C) South Rivers' location in (b) (6), (b) (7)(C).  
Every time I came inside the store, (b) (6), (b) (7)(C) would prevent me from talking to workers. (b) (6), (b) (7)(C) would normally intercept me and ask if I needed anything.
3. I recall several occasions where (b) (6), (b) (7)(C) would see me and send all of (b) (6), (b) (7)(C) employees to the back and try to work front counter on (b) (6), (b) (7)(C) own.
4. I would often go to the extreme corner of the store where (b) (6), (b) (7)(C) could not see me on the cameras or from the back office and then text the worker to meet me there.
5. I would also try to go to the store when (b) (6), (b) (7)(C) was gone but (b) (6), (b) (7)(C) car was almost always in the parking lot.
6. My (b) (6), (b) (7)(C) would also try to speak to workers at the store. (b) (6), (b) (7)(C) told me that (b) (6), (b) (7)(C) would kick (b) (6), (b) (7)(C) out of the store.
7. In or about (b) (6), (b) (7)(C) 2014, (b) (6), (b) (7)(C) fired (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) was signing up (b) (6), (b) (7)(C) co-workers to join the union.
8. (b) (6), (b) (7)(C) claimed (b) (6), (b) (7)(C) fired (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) could not come in on (b) (6), (b) (7)(C) day off.
9. I spoke with (b) (6), (b) (7)(C), and told (b) (6), (b) (7)(C) that I would file an unfair labor practice charge if (b) (6), (b) (7)(C) did not immediately reinstate (b) (6), (b) (7)(C).
10. (b) (6), (b) (7)(C) agreed to reinstate (b) (6), (b) (7)(C) at the Montague store on (b) (6), (b) (7)(C), 2014.
11. In light of the Region's finding that JKS & K Inc. shift managers are statutory supervisors, I have held back (b) (6), (b) (7)(C). This has been a significant drawback since shift supervisors are often the strongest leaders in stores and tend to be very interested in joining with their co-workers to improve their working conditions.
12. Prior to this determination, I recruited several workers to strike. For instance, (b) (6), (b) (7)(C) from the South Rivers store went on strike and brought some of (b) (6), (b) (7)(C) co-workers.
13. I have worked with employees at many different fast food restaurant chains. In my experience, these restaurants often label certain low level employees "managers." These "managers" generally seem to exercise very little actual authority within the restaurants. They also typically have the same complaints about working conditions and low wages as other employees.

Date: 11/24/14

Signature: (b) (6), (b) (7)(C)

## **EXHIBIT 2**



(b) (6), (b) (7)(C)



Fast Food workers across the South are joining the #FastFoodGlobal Strike on (b) (6), (b) (7)(C). We will be sharing our stories every day to show why we are going on strike.

LIKE & SHARE to show solidarity! -Raise Up

"I'm going on strike because the cost of living has went up and we have families to feed. \$7.25 is not enough for all we do. We deserve \$15 an hour and the right to form a union without retaliation" (b) (6), (b) (7)(C) McDonalds worker, Charleston, SC

(b) (6), (b) (7)(C), Top Comments  
(b) (6), (b) (7)(C) and 30 others like this.

16 shares



Raise Up (b) (6), (b) (7)(C) that is wonderful that you work for the Fire Dept. Your work is necessary and we are glad to hear you make a decent wage. We believe that all workers should be compensated fairly and we believe that if we organize, wages for low wage a... See More

2 · May 9 at 6:51am

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) i wld like to take a stand with the fast food worker \$15.00 an hour is not too much to ask for

## **EXHIBIT 3**

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

T-Mobile

(b) (6), (b) (7)(C)

<Subject: no subject> - Hello  
all I jus got a messageCT  
from (b) (6), (b) (7)(C) that all manager's  
hve to wrk Thursday. . Srry if  
ur off bu u hve to wrk.. I'll let  
u all know more wen I know  
more in bout a hr on ty ..  
need a txt or call that u all  
got ths bc if u dnt come to  
wrk u will b suspend.

T-Mobile

(b) (6), (b) (7)(C)

<Subject: no subject> - Hi  
ALL meeting for morro is  
cancel .. it will b next week  
wed @ 3..

(b) (6), (b) (7)(C)

## **EXHIBIT 4**



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

wed @ 3..

T-Mobile

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

<Subject: no subject> - Hello  
all (b) (6), (b) (7)(C) is not to stay late..  
& if (b) (6), (b) (7)(C) not in complete  
uniform (b) (6), (b) (7)(C) is not to wrk!!  
Everything that (b) (6), (b) (7)(C) does  
need to b written up . ANY  
QUESTIONS Plz CALL me..  
AL so (b) (6), (b) (7)(C) Is Now Doing  
Late Shops On 3 Shift (b) (6), (b) (7)(C)  
Crew & Urself Is IN  
COMPLETELY Uniform On  
Third Shift (b) (6), (b) (7)(C) Ty

T-Mobile

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

## **EXHIBIT 5**

Southern Workers Organizing Committee  
324 S Wilmington St #207 Raleigh, NC 27601

(b) (6), (b) (7)(C) 2014

To: Montague McDonalds  
2988  
W. Montague Charleston, SC

Attention management and ownership of this restaurant:

This is to notify you that on (b) (6), (b) (7)(C) 2014, we workers are going on strike. We are striking to protest unfair labor practices and wage theft occurring here, in workplaces in our city, and in solidarity with workers across the country. We are also striking to demand a \$15 an hour wage and the right to join a union without retaliation. We are not making a present demand for recognition at this time.

We offer to return to work unconditionally after (b) (6), (b) (7)(C) for our next regularly scheduled shift. This is a peaceful, lawful, one-day strike protected by federal labor law. We expect that you will obey federal law and refrain from firing, discriminating, or retaliating against us for standing together to improve our jobs and to safeguard our rights.

This company is profitable because of our hard work, but we are paid poverty wages that are not enough to pay for the basics like food, rent, and utilities. We want to properly care for our families, so we are taking a stand to improve our future.

(b) (6), (b) (7)(C)



Johnda Bentley <johnda.bentley@seiu.org>

---

## strike delivery notice

---

Nicholas Gleichman <nicholas.gleichman@seiu.org>

(b) (6), (b) (7)(C) 2014 at (b) (6), (b) (7)(C)

To: Johnda Bentley <johnda.bentley@seiu.org>

McDonalds, 2988 w Montegue, Charleston SC. Delivered just now. No issue. (b) (6), (b) (7)(C) handed form to (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) POSSIBLY corporate. Strike was outside this site at time of delivery.

[Quoted text hidden]

**1400167499678.jpg**  
2614K

## **EXHIBIT 6**





## Protesters cited by police for blocking Crosstown

Posted: (b) 2014 10:24 AM EDT

Updated: (b) 2014 2:35 PM EDT

CHARLESTON, S.C. (WCIV) — In a protest in downtown Charleston for fast food workers, several people were cited by police for blocking traffic on the Crosstown.

According to protest organizers, 18 people in the group who formed a blockage across the Crosstown Thursday afternoon were arrested. However, police said the people in the group were only cited for blocking traffic.

A release issued after the event said the protesters blocked the road in a sit-down protest, "chanting as they braved 88-degree heat." The group was reportedly made up of fast food workers and their supporters.

Officials with the protest did not say why the group chose to block the busy and heavily trafficked intersection.

Police are looking into how many people were cited in the event and what the citations were for.

Known as the #StrikeFastFood movement, workers are calling for \$15 an hour pay and the right to form a union without retaliation.

The campaign started in New York City in November 2012 when 200 fast food workers walked off the job. Since then, the movement has grown and has now spread to more than 150 U.S. cities.

In Charleston, there were two fast food strikes scheduled for Thursday.

"I work at McDonald's and the reason I am striking today is because I have (b) and I do not make enough. I do not make enough to support my family on \$7.35," said fast food worker (b) (6) (b) who has worked at McDonald's on Montague Avenue for the past (b). "Today I am calling for a minimum wage that will help families support their families and what is that going to take? That is going to take \$15, nothing less and nothing more. I just want \$15 an hour."

The first protest took place at 8:30 a.m. on Folly Road on James Island. That protest was cut short when rain chased the protesters inside a Taco Bell restaurant.

Police soon arrived and many protesters left.

"I have four reasons to do whatever it takes to win \$15 an hour and union rights: (b) (6) (b) (7)(C). I am leading the fight for \$15 in Charleston because I refuse to allow the cycle of worker exploitation to continue," (b) said.

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**Raise Up For 15**

@RaiseUpfor15



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(b) (6), (b) (7)(C) of Charleston SC up early talking to @ABCNews4 about fair pay for fast food workers! #StrikeFastFood



(b) (6), (b) (7)(C)

RETWEETS

8

FAVORITES

4

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Reply to @RaiseUpfor15 @ABCNews4

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Religion

# COMMENTARY: Why I marched on McDonald's



By William J. Barber II | Religion News Service June 2

Recently, I marched with McDonald's workers from three dozen cities to the company's corporate headquarters outside of Chicago. After they refused to leave the corporate campus of the fast-food giant with its \$5.6 billion in profits last year, 101 workers were arrested.

I knew I had to come when the workers invited me to share some of the lessons we have been learning in North Carolina about civil disobedience — and moral support.

I watched my new friends sit down. I watched the police gather. I prayed with the McDonald's workers as the police looked on and then slapped plastic handcuffs on more than 100 of the workers and arrested them.

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I could not help but think of the historic arc of the civil rights movement. For all the gains we have been making, the treatment of low-paid workers

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- ☐ None of the above

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by some of the most profitable corporations in the world ranks high in the more significant causes of the growing inequalities in the U.S.

I have helped lead the fight against backward laws passed by an extremist group of legislators that, three years ago, took power in North Carolina. Last year, national media discovered us, calling us the Moral Monday protesters. In fact we have been organizing and protesting for eight years. The fight for living wages and the right to collectively bargain for all workers are key parts of the 14-point agenda we developed in 2006 along with dozens of progressive partner organizations. We know money in the hands of low-wage workers lifts our economy.

But helping workers collectively fight for better wages is central to our movement and the right thing to do. All great religions instruct their followers on how employers should treat their workers. Living wages are at the center of our deepest moral and faith traditions.

Consider Deuteronomy 24:14: “You shall not oppress a hired servant who is poor and needy, whether he is one of your brothers or one of the sojourners who are in your land within your towns. You shall give him his wages on the same day, before the sun sets (for he is poor and counts on it), lest he cry against you to the Lord, and you be guilty of sin.”

Or Jeremiah 22:13: “Woe to him who builds his house by unrighteousness, and his upper rooms by injustice, who makes his neighbor serve him for nothing and does not give him his wages.”

As I travel the country, I see more and more evidence that we are on the threshold of the Third Reconstruction Movement. The First Reconstruction, built by a multiracial Southern Fusion movement in the wake of the Civil War, was crushed when the nation legalized segregation and two-tier employment, housing, education and health system. Jim Crow laws were driven deep into the Southern economic and political system, setting back the human race in the struggle to repair the breach caused by racism.

The Second Reconstruction can be traced to that glorious day in 1954 when nine white men in black robes said no to Jim Crow. Over the next 14 years, young and old, white and black, rich and poor risked their lives, their fortunes and their sacred honor to repair the breach. In 1968, with the murder of the Rev. Martin Luther King Jr., the destruction of the

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organizational infrastructure of the Southern freedom movement, and a clever propaganda campaign relying on thinly disguised racist appeals to white Southern voters, extremists betrayed President Lincoln's vision and his party. They turned their back on people of color. And they have become willing accomplices to a 40-year effort to dismantle the gains of the Second Reconstruction.

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Now we believe we have come to the threshold of the Third Reconstruction. The McDonald's employees take their honored places in the front lines of this movement. Injustice cannot be met with silence. We must listen to workers like Cherri Delesline, mother of four from South Carolina, who makes the same \$7.35 an hour she made on her first day at McDonald's 10 years ago. Hear the voice of Adriana Alvarez, a single mother from Chicago, who makes pennies above minimum wage at McDonald's and has to rely on public assistance to care for her son.

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You cannot see injustice and say nothing. You cannot see exploitation and say nothing. You cannot see systematic poverty and say nothing. You cannot see one human being abuse another human being, God's creation, and say nothing. At every time, in every age, we need dissenters, who speak out about injustice.

In North Carolina, we say "Forward Together, Not One Step Back." We salute the McDonald's workers. They are in the front ranks of the Third Reconstruction — the fight of our time.

(The Rev. William J. Barber II is the president of the North Carolina NAACP.)

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CHARLESTON  
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## **McDonald's workers stage a soggy protest for \$15/hour wage**

**North Charleston protest action comes as McDonald's locks horns with NLRB**

Posted by Paul Bowers on Thu, Jul 31, 2014 at 5:00 PM



Paul Bowers

Cherri Delesline, one of the protesters, says she has only been given a 10-cent raise in her 10 years working at McDonald's.

When Cherri Delesline started working at McDonald's 10 years ago, she made \$7.25 an hour. Her pay today? \$7.35 an hour, she says.

Delesline, who works at the McDonald's on West Montague Avenue in North Charleston, was one of a handful of McDonald's workers and labor organizers who showed up to a protest rally in the rain outside of her workplace today. The protesters demanded a \$15 minimum wage from the company and the right to form unions without fear of retaliation. They chanted slogans outside the windows of the restaurant, at one point attempting to push through the door before an employee working in the restaurant closed and locked it. The rain kept pouring, so they huddled under the building's eaves and took turns chanting slogans into a megaphone:

"Hey hey, ho ho, McDonald's greed has gotta go."

"We can't survive on \$7.25."

"Move, corporate, get out the way."



Paul Bowers

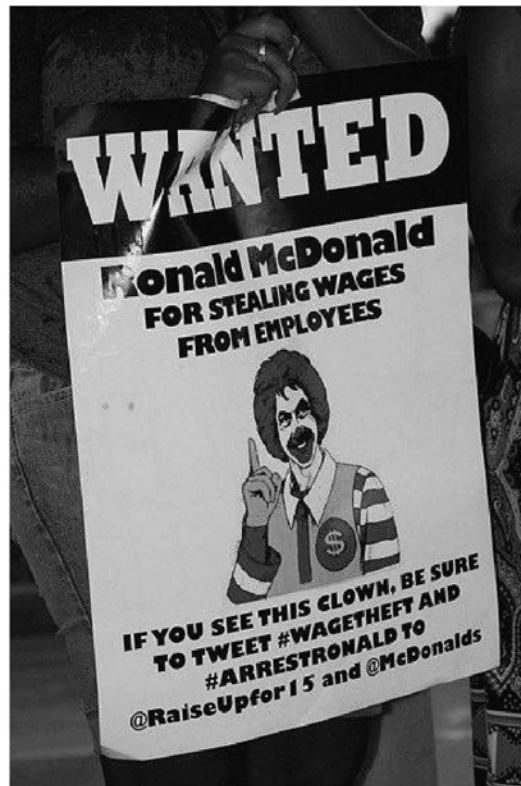
Protesters huddled under umbrellas before relocating closer to the restaurant for shelter from the rain.

The protesters included representatives from the International Longshoremen's Association, AFL-CIO of South Carolina, and the regional organizing group Raise Up For 15. During speeches, which were delivered via the megaphone within earshot of customers in the restaurant,

they alluded to a recent statement from the National Labor Relations Board stating that McDonald's Corporation plays an important role in determining the wages paid at individual restaurants. The company has said that it does not control the employment decisions at its franchised restaurants, but the NLRB's general counsel said Tuesday that McDonald's Corporation could be named a joint employer in several worker's-rights complaints that have been made against franchise-owned restaurants.

McDonald's Corporation has come out strongly against the decision, with human resources VP Heather Smedstad telling the Associated Press that allowing workers to call the corporation a joint employer marked "a radical departure" that "should be a concern to businessmen and – women across the country."

As for the \$15 wage demand, it's partly based on the concept of a living wage, the minimum hourly rate needed to meet the basic needs of a full-time worker. According to MIT's Living Wage Calculator (which factors in local costs of food, child care, transportation, housing, and other items), the living wage for a single adult in Charleston county is \$9.74 an hour. That rate goes up for households with children; the living wage for a single adult with three children is listed as \$26.84 an hour.



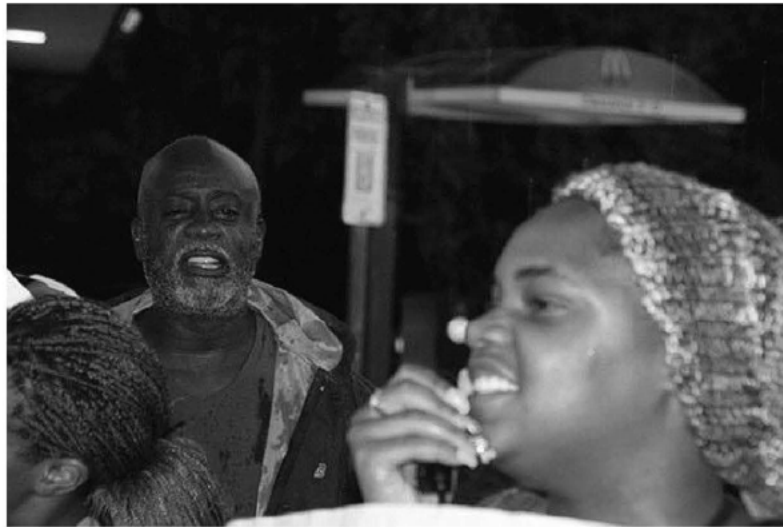
Paul Bowers

A sign from the rally

Delesline, who has four children and says she works 35 hours per week at McDonald's, says she had to move back in with her mother to make ends meet. When asked the question that shows up in the comments section of every fast-food labor dispute story — "Why don't you go get a different job?" — she says she likes her current job and shouldn't have to change careers in order to earn a livable wage.

"Why should I have to change my job? I like what I do," Delesline says. "McDonald's is a job. McDonald's just needs to give people a livable wage. I shouldn't have to change my job because they don't want to give me a wage to take care of my family. I'm helping them make the money to keep their business running, so why can't they make sure that I can take care of my business?"

Delesline says she has worked other jobs in addition to McDonald's to pay the bills through the years, but she has stayed with the restaurant, partly because she enjoys interacting with customers. She currently works as a cashier and drive-thru employee.



Paul Bowers

Leonard Riley, a liaison from the International Longshoremen's Association, came out in support of the protesters. As the rain began to pour, he remarked, "Maybe the corporations are crying now because we struck the right note in their hearts."

At the restaurant, Delesline says she has broached the topic of forming a union with her fellow employees and has gained a lot of support. She has been in contact with Raise Up For 15, which organizes protests by fast food workers in Virginia, North Carolina, South Carolina, and Georgia, and last week she traveled to Chicago to attend a restaurant labor organizing conference put on by the national group Fight For 15.

"Everybody thinks that people working at McDonald's are a bunch of high school students," Delesline says. "Really, we have people in here who've got families, they've got kids of their own. People in here are grandmothers. And they're only making \$7.25 or \$7.35."



Paul Bowers

A protest organizer from Raise Up For 15 takes a turn at the bullhorn.

Tags: McDonald's, Labor, Minimum wage, North Charleston, Raise Up for 15, Fight for 15, Image

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5

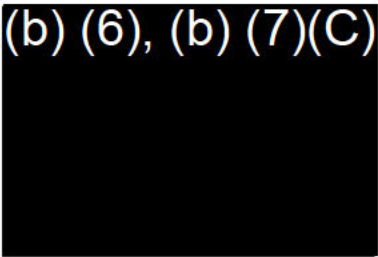
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## Student Workers, You Have Rights Too: Labor Day at CofC

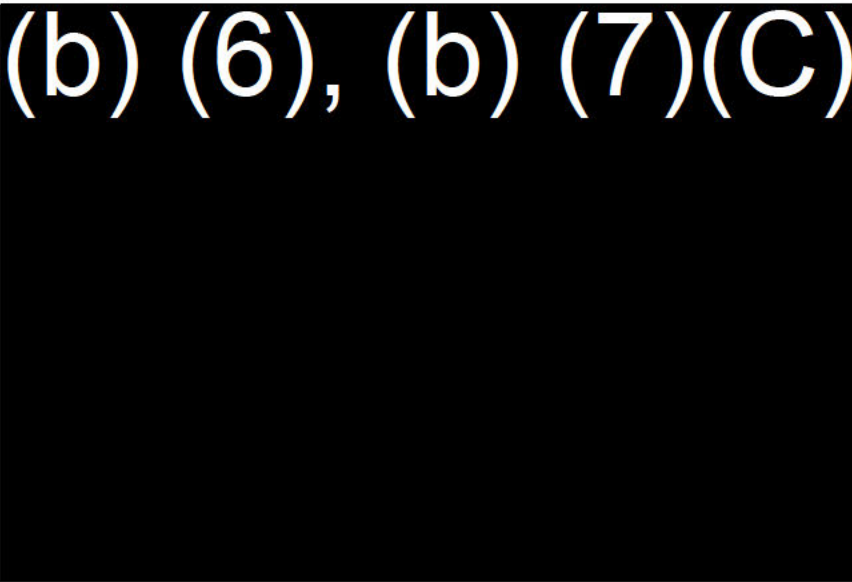
(b) (6), (b) (7)(C)



The attendees listen to the panel's stories (Photo by Courtney Eker)

When you pull up to a drive-thru window at a fast food restaurant, you probably aren't thinking in terms of what you have in common with the girl sporting a golden-arch uniform that's handing you that Quarter Pounder with cheese. If you are a waitress at King Street Grill, a Peer Facilitator for the College or maybe even an exotic dancer at The Southern Belle, you may be more closely related to this girl than you think.

(b) (6), (b) (7)(C)



During a break-away session, students discuss their role in the CofC and Charleston community (Photo by Courtney Eker)

Employees of any sort have fundamental human's rights that must be respected, said

(b) (6), (b) (7)(C)

. On Labor Day this year, a robust group of students, faculty members, and fast food workers alike came together to celebrate the national holiday and address some of the issues that workers still face today. This year's focus of the celebration was workers' rights coinciding with human rights.

As we've seen on campus this past year, students are finding a voice for themselves. They're angry. They're fighting the decisions that the board is making. They're protesting in the Cistern. They're making a difference. But the purpose of this Labor Day meeting was to spark a flame in the underbellies of student employees—because this issue is something to get fired up about.

If you've ever questioned your hourly rates on the clock, keep reading.

(b) (6), (b) (7)(C) an employee at McDonald's, was a featured worker on the panel who advocated for labor unions. In (b) (6), (b) (7)(C) story, (b) (6), (b) (7)(C) told of unjust treatments from (b) (6), (b) (7)(C) managers at McDonalds and how (b) (6), (b) (7)(C) joined a union in order to fight for better working conditions as an employee. (b) (6), (b) (7)(C) said, "Everyone should be a part of a union. When I wasn't, my voice wasn't being heard." Currently, (b) (6), (b) (7)(C) and many other members of the Rise Up for \$15 Campaign are protesting to approve a pay raise to \$15/hr for all fast food workers. (b) (6), (b) (7)(C) said, "I'm not the only one that has experienced these things. Being in the union provides people that support me and what I stand for. I'm not fighting alone."

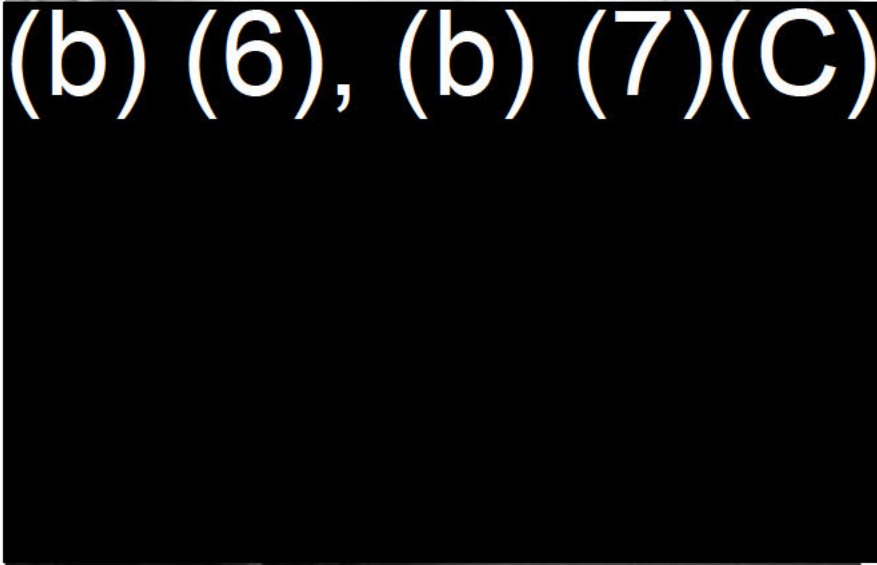


Photo by Courtney Eker

These are the kinds of actions that students such as (b) (6), (b) (7)(C) is encouraging student workers to take. Although (b) (6), (b) (7)(C) doesn't think the average student at CofC is as vulnerable as the average fast food worker in terms of violations of rights, (b) (6), (b) (7)(C) said, "\$15 dollars would be a huge benefit to CofC students." (b) (6), (b) (7)(C) r, said, "There's no mechanism for action...[campus issues] are unfortunately up to the benevolence and self-interest of the legislators and trustees."

(b) (6), (b) (7)(C) went on to say that the College must find a way to voice opposition and adopt a policy that integrates student opinions into decisions made on campus—such as those of rights given to student employees. Another question that (b) (6), (b) (7)(C) says CofC student workers have to respond to is about agency—what control do you have as a member of the student body to act on the fundamental rights of students in the workforce? As of now, the answer to that may be "not much." But that's why the Labor Day Committee is hopeful. They believe that student workers can and will come together to fight for their inherent rights, and as such be more valued as members of the workforce.



# Restaurant CEOs Make More Money in Half a Day Than Their Employees Make in a Year

*A new analysis underscores why fast-food workers are going on strike.*

By [Jacah Lee](#) | Mon Jul. 14, 2014 5:00 AM EDT

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## **Social Title:**

Restaurant CEOs make more money in half a day than their employees make in a year

## **Social Dek:**

A new analysis underscores why fast-food workers are going on strike.



Richard Drew/AP

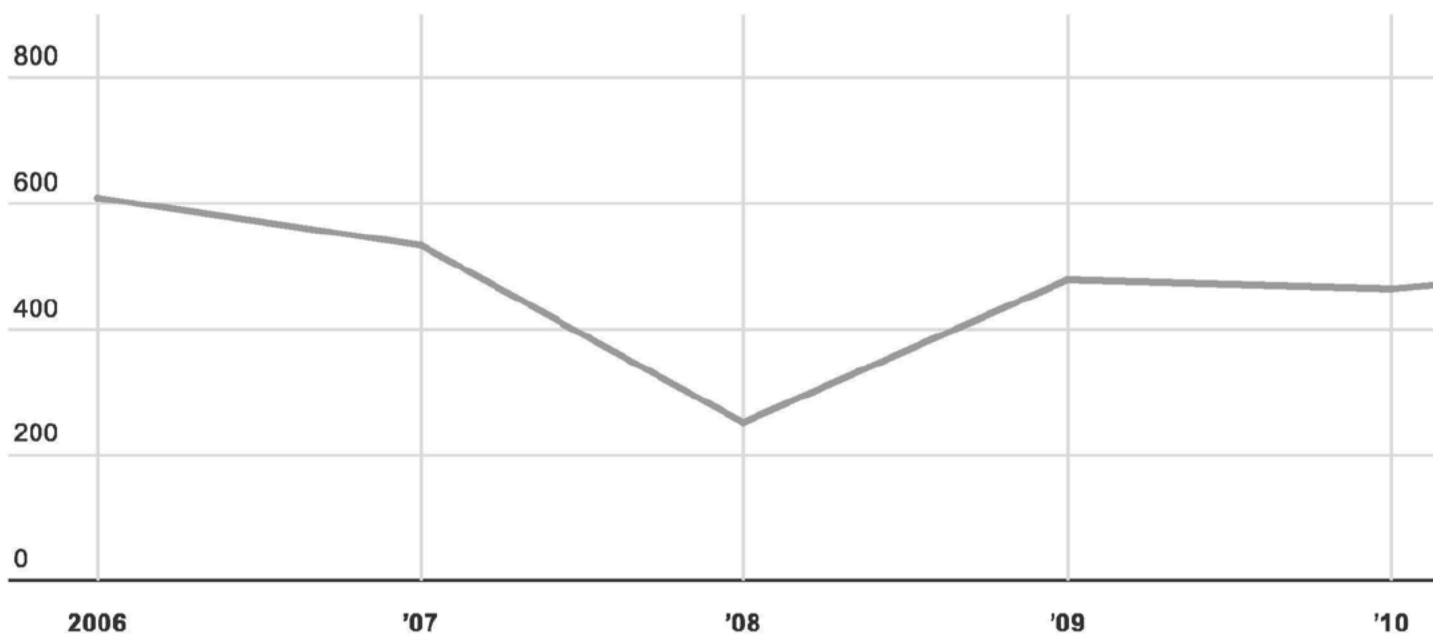
Last year, according to [a new analysis](#) [1] from the Economic Policy Institute (EPI), the CEOs of America's top 25 restaurant corporations, including McDonald's, Burger King, the Cheesecake Factory,

Chipotle, and Jack in the Box, took home an average of 721 times the money minimum-wage workers did, and 194 times the take-home pay of the typical American worker in a production or nonsupervisory job. Restaurants and food services employ nearly half [2] of all American workers who earn the federal minimum wage of \$7.25 per hour (or less).

The report "confirms what we have long known," Cherri Delesline, a McDonald's crew member and mother of four in Charleston, South Carolina, told *Mother Jones*. Since November 2012, she and hundreds of other fast-food workers have gone on strike [3] in 150 American cities and 80 foreign cities, demanding they be paid \$15 per hour. "While CEOs make millions of dollars in profits, we still can't afford to pay our rent or buy clothes for our children," says Delesline, whose hourly pay is \$7.35.

## The Restaurant Wage Gap

Pay ratio of CEO to minimum wage worker, 2006-13



Created with [Datawrapper](#)

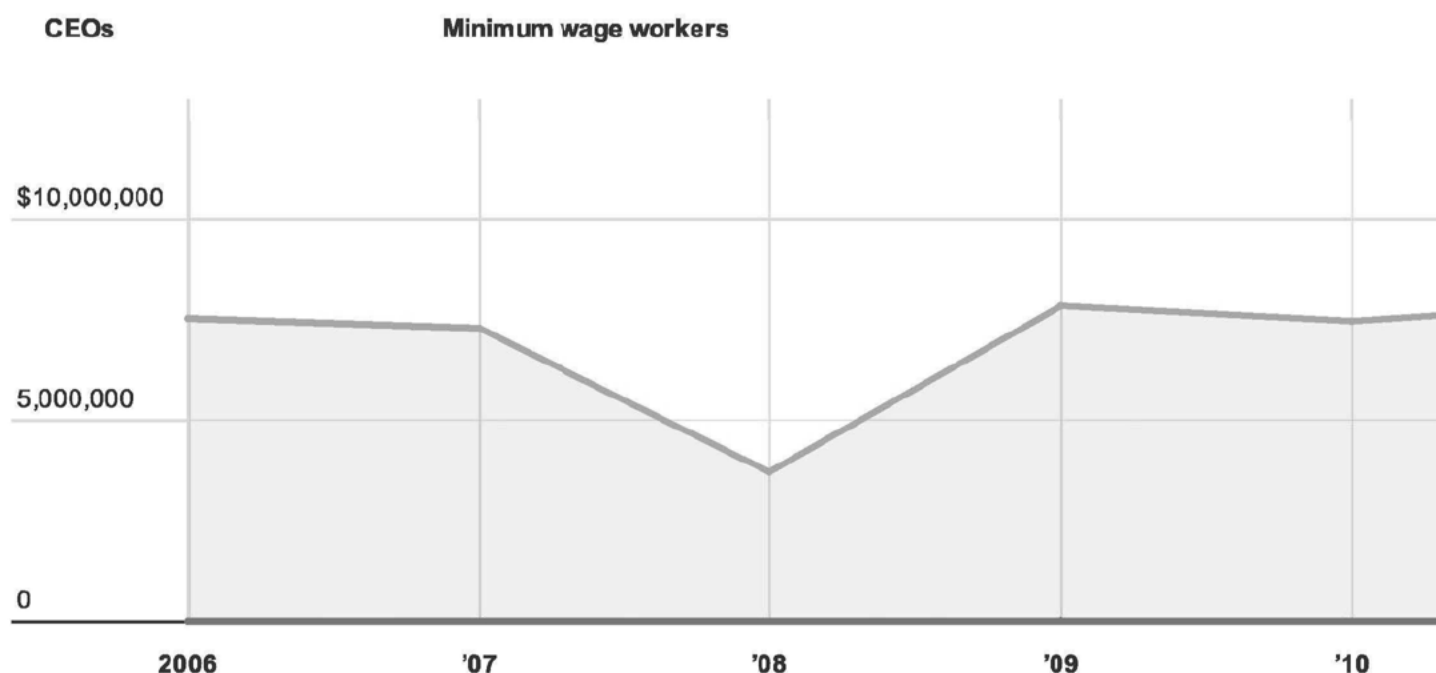
Source: [Economic Policy Institute](#), [Get the data](#)

"It's a picture of uncontrolled greed," EPI vice president Ross Eisenbrey says. "How can it be that the CEOs are making more in half a day than many of their workers are making in an entire year—and yet they can't afford to raise the pay of those workers?" CEO pay has been out of control across all business sectors since at least the late-1980s, he adds. From 1978 to 2013, for instance, average CEO compensation, adjusted for inflation, soared nearly 1,000 percent [4], while the typical worker's pay [5] increased by just over 10 percent.

Roughly 1 in 10 American workers are employed by restaurants, according to the National Restaurant Association. The industry, the trade group predicts, will see \$683 billion [6] in sales this year—up 17 percent over 2010. But a greater share of those revenues has been flowing to top executives. As this interactive graph shows, CEO compensation at America's top restaurant chains has ballooned since 2008, while the annual take of their lowest-paid workers has largely flatlined. (This analysis assumes tipped workers reach the federal minimum wage through base pay and tips, although that isn't always the case [7], as we've reported [8] previously.)

## Top Restaurant Industry CEOs Pay vs. Minimum Wage Workers

in 2013 dollars



Created with [Datawrapper](#)

Source: [Economic Policy Institute](#), [Get the data](#)

While the recent strikes have pressured a few chains to consider raising their wages [9], some executives argue that raising pay would hurt business, and franchise owners say [10] their thin profit margins can't bear any increases. Just last week, Andy Puzder, CEO of the conglomerate that owns Carl's Jr. and Hardee's, told Yahoo Finance [11] that raising the federal minimum would force companies like his to raise prices and ultimately reduce job opportunities for young and inexperienced workers. You can't solve the problem, he said, "by having the government artificially mandate a wage increase when there's no economic growth to support that."

Puzder—whose compensation totaled nearly \$4.5 million [12] in 2012, or 294 times what minimum-wage workers made that year—claimed that "if government gets out of the way, businesses will create

jobs... Wages will go up and the country will go back to a state of prosperity instead of what we're in now."

Actually, the financial information company Sageworks reports [13] that the restaurant industry fared pretty well during the recession, growing at about 5 percent annually since 2009. And the majority of fast-food workers aren't teenagers: More than 60 percent [14] are 20 or older, according to the Center for Economic and Policy Research. As *Huffington Post's* Jillian Berman points out [15], more adults are working in fast food not because they can live off the wages, but simply because they have no better alternatives.

Meanwhile, a new study finds that 61 percent [16] of small business owners favor a minimum wage hike to keep pace with cost of living, supporting previous findings [17] on the topic. Some national retail companies, such as Ikea and Gap [18], have also chosen to raise their starting wage. Likewise wholesale merchandiser Costco, where entry-level employees get \$11.50 an hour. "We know it's a lot more profitable in the long term to minimize employee turnover and maximize employee productivity, commitment, and loyalty," CEO Craig Jelinek said in a statement [19] supporting of a bill that would raise the federal minimum wage—to just over \$10.

Here's a list of the 25 CEOs EPI analyzed, and what they made last year.

# Top Restaurant CEO Compensation in 2013

Company	Compensation▲
Starbucks Corp	\$137,565,325
Yum Brands Inc	\$21,273,912
Chipotle Mexican Grill Inc	\$13,600,478
Jack In The Box Inc	\$13,244,496
Biglari Holdings Inc	\$10,900,000
Brinker International Inc	\$9,294,876
Cracker Barrel Old Country Store	\$8,456,801
Mcdonald's Corp	\$7,292,552
Cheesecake Factory Inc	\$6,397,673
DineEquity Inc	\$6,222,314
Papa Johns International Inc	\$5,470,201
Wendy'S Co	\$5,354,493
Buffalo Wild Wings Inc	\$3,908,337
Red Robin Gourmet Burgers	\$3,037,768
CEC Entertainment Inc	\$3,030,760
Ruth's Hospitality Group Inc	\$2,992,302
Dennys Corp	\$2,280,627
Panera Bread Co	\$2,065,421
Burger King Worldwide Inc	\$1,900,000
Krispy Kreme Doughnuts Inc	\$1,858,593
Sonic Corp	\$1,489,424
NPC Acquisition Holdings Llc	\$1,257,930
Texas Roadhouse Inc	\$1,159,482
Lubys Inc	\$905,864
BJ's Restaurants Inc	\$850,000

Created with [Datawrapper](#)

Source: Economic Policy Institute, [Get the data](#)

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**Source URL:** <http://www.motherjones.com/politics/2014/07/epi-study-restaurant-ceo-minimum-wage-workers-pay-gap>



**Links:**

- [1] <http://www.epi.org/publication/top-restaurant-industry-ceos-721-times-minimum/>
- [2] <http://www.bls.gov/cps/minwage2013.pdf>
- [3] <http://www.motherjones.com/mojo/2014/05/fast-food-strikes-international-minimum-wage>
- [4] <http://www.epi.org/publication/ceo-pay-continues-to-rise/>
- [5] <http://www.epi.org/publication/methodology-measuring-ceo-compensation-ratio/>
- [6] <http://www.restaurant.org/News-Research/Research/Facts-at-a-Glance>
- [7] <http://www.epi.org/publication/waiting-for-change-tipped-minimum-wage/>
- [8] <http://www.motherjones.com/politics/2014/05/minimum-wage-tip-map-waiters-waitresses-servers>
- [9] [http://www.huffingtonpost.com/2014/06/04/mcdonalds-ceo-minimum-wage-hike\\_n\\_5445539.html](http://www.huffingtonpost.com/2014/06/04/mcdonalds-ceo-minimum-wage-hike_n_5445539.html)
- [10] <http://www.bostonglobe.com/business/2013/09/01/workers-protests-highlight-fast-food-economics/4nYqt8xRm9J73vASTzcSXM/story.html>
- [11] <http://finance.yahoo.com/news/the-downside-of-minimum-wage-hikes-200357186.html>
- [12] <http://www.forbes.com/profile/andrew-puzder/>
- [13] <http://www.inc.com/sageworks/restaurant-industry-report.html>
- [14] <http://www.cepr.net/documents/publications/fast-food-workers-2013-08.pdf>
- [15] [http://www.huffingtonpost.com/2014/07/07/andy-puzder-minimum-wage\\_n\\_5563975.html](http://www.huffingtonpost.com/2014/07/07/andy-puzder-minimum-wage_n_5563975.html)
- [16] <http://www.cbsnews.com/news/why-small-business-owners-support-a-higher-minimum-wage/>
- [17] <http://www.dol.gov/minwage/mythbuster.htm>
- [18] <http://www.forbes.com/sites/nicoleleinbachreyhle/2014/06/26/ikea-joins-movement-minimum-wage-increase/>
- [19] <http://www.businessforafairminimumwage.org/news/00272/costco-eileen-fisher-and-small-business-owners-nationwide-support-fair-minimum-wage-act-i>

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## Cherri Delesline

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Cherri Delesline works at McDonald's in Charleston, SC. She is the mother of four daughters. Cherri is a born leader and has played a big role in organizing her fellow fast food workers throughout the South. Whether it be confronting her employer at their cooperate front door or holding a strike at her store, Cherri is always ready to lead the way to \$15 and a union.

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TONIGHT AT 11**



## Charleston fast food workers strike, demand higher wages

Posted: May 15, 2014 8:55 AM EDT

Updated: May 15, 2014 5:57 PM EDT

By Meghan Wallace **CONNECT**

**NORTH CHARLESTON (WCSC)** - Several Charleston fast food workers are expected to go on strike Thursday as part of a national movement to demand higher pay and the right to unionize.

"We cannot survive on \$7.25 when the cost of living is going up and everything else. We just want to succeed like everyone else is," said Lakia Williams, manager at Hardee's.

The first strike began at 6 a.m. in front of Burger King on Dorchester Road, as roughly two dozen fast food workers stood alongside the busy road with signs in hand. The workers are asking for their wages to be increased to \$15 an hour, as well as the right to form a union without the fear of retaliation.

Another strike happened at 11 a.m. at 2941 Montague Avenue in North Charleston, across from the McDonald's.

"\$7.25 is not a livable wage. The same way that you want to make sure that your family is taken care of, I want to be able to make sure my family is taken care of too without the struggling, without the hassle," said Cherri Delesline.

The protesters were happy with the turnout and the reactions from drivers passing by.

"I think a lot of people are supporting it, they're getting out blowing the horns, passing, waving," said Jessica Rabon, fast food employee. "I mean I think everybody is really looking forward to something being changed out here in Charleston."

Thursday's protest is part of a 150-city campaign, stretching across 34 countries.

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## **EXHIBIT 7**



## **EXHIBIT 8**

Eastern Workers Organizing Committee

114 S. Wilmington, Suite 201

Raleigh, NC 27601

To:

McDonald's/McDonald's USA, LLC, Janis Employees  
1140 N. Harrison Ave.  
North Charleston, SC 29405

Dear Janis Employees:

This is to notify you that you are going on strike beginning on (b) (6), (b) (7)(C) 10/14. We are striking to protest unfair labor practices of management for which Janis Employee McDonald's USA is responsible, wage theft, and unsafe working conditions occurring here, in workplaces in our city, and in solidarity with other fast food workers across the country. We are also striking to demand a \$15 an hour wage and the right to join a union without retaliation. We are now making a personal appeal for recognition on this issue.

This company is profitable because of our hard work, but we are paid poverty wages that aren't enough to pay for the basics like food, rent, and utilities. We are striking to raise others and ourselves out of poverty, and to improve our lives. We know the corporation will really work for our affairs to pay us more.

(b) (6), (b) (7)(C)



Fast Food <strike.evidence15@gmail.com>

---

**Fwd: [ Strike Evidence ] Strike notice charleston mcdonalds montague ave**

1 message

---

**Johnda Bentley** <johnda.bentley@seiu.org>  
To: strikeevidence15@gmail.com

Fri, Oct 10, 2014 at 3:28 PM

----- Forwarded message -----

From: **Sara Brown** <sara.brown@seiu.org>  
Date: (b) (6), (b) (7)(C)  
Subject: [ Strike Evidence ] Strike notice charleston mcdonalds montague ave  
To: strikeevidence@seiu.org

At (b) (6), (b) (7)(C) I delivered a strike notice to the mcdonalds on montague ave in north charleston. The (b) (6), (b) (7)(C) took the letter.

Sent from my iPhone  
Sent from my iPhone  
Sent from my iPhone

—  
You received this message because you are subscribed to the Google Groups "Strike Evidence" group.  
To post to this group, send email to [strikeevidence@seiu.org](mailto:strikeevidence@seiu.org).  
Visit this group at <http://groups.google.com/a/seiu.org/group/strikeevidence/>.

—  
Jonnee Bentley  
Assistant General Counsel  
Service Employees International Union (SEIU)  
1800 Massachusetts Avenue, NW  
Washington, DC 20036  
(202) 730-7353 Office  
(202) 406-0453 Cell

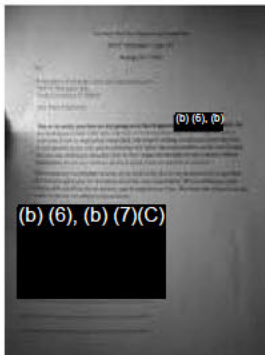


image.jpeg  
29K

## **EXHIBIT 9**



JKS & K, Inc. dba McDonald's  
8584 Rivers Ave., Suite 103  
North Charleston, SC 29406  
(843) 553-4999  
Fax: (843) 553-0444

(b) (6), (b) (7)(C) 2014

(b) (6), (b) (7)(C)

This letter is to inform you of your termination, please see below.

Termination Notice:

An incident occurred on (b) (6), (b) (7)(C), 2014, where (b) (6), (b) (7)(C) reported to work and (b) (6), (b) (7)(C) suspected that (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) due to (b) (6), (b) (7)(C) inappropriate and threatening behavior, including yelling and cursing in front of customers, and refusal to follow instructions or perform (b) (6), (b) (7)(C) job duties. (b) (6), (b) (7)(C) also (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) then left the Store, in (b) (6), (b) (7)(C) uniform and on Company time, to purchase (b) (6), (b) (7)(C) across the street and brought it back on the Company's property in a (b) (6), (b) (7)(C). A North Charleston police officer suspected that (b) (6), (b) (7)(C) had been (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) acted belligerent toward (b) (6), (b) (7)(C) report also verified that (b) (6), (b) (7)(C) on Company property.

As part of its investigation of this incident, (b) (6), (b) (7)(C) met with (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2014, and (b) (6), (b) (7)(C) did not provide any legitimate explanation for (b) (6), (b) (7)(C) behavior. During this meeting, (b) (6), (b) (7)(C) did not deny that (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) at work on (b) (6), (b) (7)(C) 2014. Based on the results of its investigation, JKS&K has determined that (b) (6), (b) (7)(C) is in violation of JKS&K's rules of conduct policy that employees should not possess, partake of or report to work (b) (6), (b) (7)(C) on company property or time. Based on (b) (6), (b) (7)(C) violation of this policy, (b) (6), (b) (7)(C) employment is terminated effective immediately.

Best Regards,

(b) (6), (b) (7)(C)



# **EXHIBIT 10**

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

No

## INCIDENT REPORT

☐

INVEST

MONITORING

INVESTIGATION

INVESTIGATION

INVESTIGATION

INVESTIGATION

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. DISORDERLY CONDUCT	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	RESTAURANT		<input type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.
2.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)	ZIP CODE	WEAPON TYPE
2968 W Montague AVE, NORTH CHARLESTON, SC	29418	

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME	24 HR. CLOCK	DISPATCH TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	005

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
(b) (6), (b) (7)(C)	#1 (b) (6), (b) (7)(C) #2 #3							

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
MCDONALDS	#1 #2 #3							

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
2188 WEST MONTAGUE AVE	N CHAS	SC	29406-	

VISIBILITY (WY 1) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> EXPLAIN:	COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>
--	---

WITNESS (NO 1) USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>	DRUGS: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>	TYPE:
---	---	-------

TWO MAN VEH <input type="checkbox"/>	ONE MAN VEH <input type="checkbox"/>	DETECTIVE/PLASMIT <input type="checkbox"/>	OTHER <input type="checkbox"/>	ALONE <input type="checkbox"/>	ASSISTED <input type="checkbox"/>	*J-This Jurisdiction. S-State. O-Out of State. U-Unknown.
--------------------------------------	--------------------------------------	--	--------------------------------	--------------------------------	-----------------------------------	---

NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
(b) (6), (b) (7)(C)									

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DAYTIME PHONE	EVENING PHONE

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	

SUBJECT NO. 1 USING ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>	ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>	DATE/TIME OF OFFENSE	DATE/TIME OF ARREST
CRUGS: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>	TOTAL # ARRESTED	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)

DAY OF THE WEEK	HOW REPORTED	A= OFFICER DISPATCHED ON CALL	D= COMPLAINT WRITTEN IN	DIFF. FACTOR	A= RESISTANCE/HOSTILITY	E= COMPLAINANT FRE-
S M T W T F S UNK		B= REPORT TAKEN BY PHONE	E= OFFICER INITIATED		B= WEAPONS	QUENTLY INTOXICATED
		C= COMPLAINANT WALKED IN	F= OTHER		C= UNFOUNDED CALLS	F= DOMESTIC
					D= MENTAL SUBJECT	N= NORMAL

I responded to 2188 W. Montague Ave (McDonalds) for a disturbance complaint. On my arrival I met with the complainant who stated the suspect/employee was cursing and causing a disturbance in the business. The suspect arrived to work and (b) (6), (b) (7)(C) and began arguing with the complainant. The complainant attempted to calm the suspect down and ask (b) (6), (b) (7)(C) to lower (b) (6), (b) (7)(C) voice but (b) (6), (b) (7)(C) continued to curse and yell. The suspect wasn't even (b) (6), (b) (7)(C) per the complainant. I made contact with (b) (6), (b) (7)(C) while (b) (6), (b) (7)(C) was standing outside of the business. I immediately (b) (6), (b) (7)(C) coming from (b) (6), (b) (7)(C) person and noticed (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was upset because (b) (6), (b) (7)(C) was asking to go home. (b) (6), (b) (7)(C) didn't quite make (b) (6), (b) (7)(C) point since (b) (6), (b) (7)(C) wasn't even (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was holding a bag containing (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) became belligerent towards me while I was

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TYPE (GROUP)	TOTAL VALUE
STOLEN	
DAMAGED	
BURNED	
RECOVERED	
SEIZED	

SUBJECT IDENTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>	SUBJECT LOCATED <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>	S F <input type="checkbox"/>	<input type="checkbox"/> ACTIVE <input checked="" type="checkbox"/> ADM. CLOSED (b) (6), (b) (7)(C)	<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> EX-CLEAR UNDER 18
			<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> ARRESTED 18 AND OVER <input type="checkbox"/> EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE 1 <input type="checkbox"/> OFFENDER DEATH 2 <input type="checkbox"/> NO PROSECUTION 3 <input type="checkbox"/> EXTRADITION DENIED 4 <input type="checkbox"/> VICTIM DECLINES COOPERATION 5 <input type="checkbox"/> JUVENILE NO CUSTODY
--

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)			
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	FOLLOWUP INVESTIGATION <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>		

## ADDITIONAL NARRATIVE

Agency Name NORTH CHARLESTON POLICE DEPARTMENT	ORI #: (b) (6), (b) (7)(C)	Report Date/Time: (b) (6), (b) (7)(C) 2014	OCA #: (b) (6), (b) (7)(C)
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talking with the complainant. After the complainant finished telling me the whole disturbance I advised the suspect (b) (6), (b) (7)(C) was under arrest for disorderly conduct. (b) (6), (b) (7)(C) was placed in issued handcuffs double locked and properly spaced. (b) (6), (b) (7)(C) was transported to Charleston County Detention Center for booking and lodging awaiting bond. (b) (6), (b) (7)(C) was charged on citation # (b) (6), (b) (7)(C) and given a court date of (b) (6), (b) (7)(C), 2014 (b) (6), (b) (7)(C)

**From:** [Paul Smith](#)  
**To:** [Williams, Jeffrey D.](#)  
**Cc:** [Jaakov Schulman](#)  
**Subject:** RE: 10-CA-139074 (b) (6), (b) (7)(C) Supplemental Statement  
**Date:** Tuesday, December 2, 2014 1:28:16 PM  
**Attachments:** [2014-11-26 11-52-43.pdf](#)

---

I just realized that I forgot to include the attachment in this e-mail. (b) (6), (b) (7)(C) signed supplemental statement is now attached.

Paul

Paul E. Smith  
Patterson Harkavy LLP  
100 Europa Dr., Ste. 420  
Chapel Hill, NC 27517  
(919) 942-5200  
(866) 397-8671 fax  
[www.pathlaw.com](http://www.pathlaw.com)

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-----Original Message-----

From: Paul Smith  
Sent: Wednesday, November 26, 2014 5:43 PM  
To: [Jeffrey.williams@nlrb.gov](mailto:Jeffrey.williams@nlrb.gov)  
Cc: [lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org); Jaakov Schulman  
Subject: 10-CA-139074 (b) (6), (b) (7)(C) Supplemental Statement

Mr. Williams --

I've attached a signed copy of (b) (6), (b) (7)(C) supplemental statement.

Best

Paul



Affidavit of (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) 2014

### CONFIDENTIAL WITNESS AFFIDAVIT

I (b) (6), (b) (7)(C) state as follows:

1. I am a (b) (6), (b) (7)(C) I work primarily in Charleston, South Carolina. Our campaign, commonly known as Raise Up SC, is part of a national movement to secure \$15 an hour and union rights for fast food workers.
2. I began organizing the (b) (6), (b) (7)(C) McDonald's stores in (b) (6), (b) (7)(C)
3. (b) (6), (b) (7)(C) has been a member of Raise Up since (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) is (b) (6), (b) (6), (b) (7)(C) and represents the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
4. Since moving to the Montague store on (b) (6), (b) (7)(C) has told me that (b) (6), (b) (7)(C) has been the target of unfair treatment because of (b) (6), (b) (7)(C) union affiliation.
5. Management at the Montague store tends to increase its retaliatory efforts against (b) (6), (b) (7)(C) shortly before and after significant union events, including one day strikes.
6. The Montague store targets other Raise Up members as well. For example, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was fired from the store (b) (6), (b) (7)(C) before the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) strike. (b) (6), (b) (7)(C) was fired because (b) (6), (b) (7)(C) followed (b) (6), (b) (7)(C) order to go home but (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) abandoned (b) (6), (b) (7)(C) job.
7. On (b) (6), (b) (7)(C), 2014, I called (b) (6), (b) (7)(C) around (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) informed me that (b) (6), (b) (7)(C) was at work and (b) (6), (b) (7)(C) was trying to send (b) (6), (b) (7)(C) home.
8. (b) (6), (b) (7)(C) was very upset. (b) (6), (b) (7)(C) did not know whether (b) (6), (b) (7)(C) should stay or leave. I told (b) (6), (b) (7)(C) should ask to speak with (b) (6), (b) (7)(C). When (b) (6), (b) (7)(C) told me that (b) (6), (b) (7)(C) had threatened to call the police, I instructed (b) (6), (b) (7)(C) to leave.
9. (b) (6), (b) (7)(C) agreed to leave and we stayed on the phone for another (b) (6), (b) (7)(C). We stopped our conversation briefly so (b) (6), (b) (7)(C) could call (b) (6), (b) (7)(C) ride and let (b) (6), (b) (7)(C) know (b) (6), (b) (7)(C) needed to be picked up from work early. (b) (6), (b) (7)(C) called me back less than (b) (6), (b) (7)(C).
10. (b) (6), (b) (7)(C) told me (b) (6), (b) (7)(C) was waiting for (b) (6), (b) (7)(C) ride outside of the Days Inn next door. A few minutes after (b) (6), (b) (7)(C) and I resumed our conversation, (b) (6), (b) (7)(C) told me the police had arrived. A few minutes after (b) (6), (b) (7)(C) told me this, I heard the officer tell (b) (6), (b) (7)(C) to "come here." I heard the officer tell (b) (6), (b) (7)(C) to hang up the phone.
11. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was talking to (b) (6), (b) (7)(C). I asked (b) (6), (b) (7)(C) to tell the police officer that I wanted to speak with him. (b) (6), (b) (7)(C) communicated my request and the officer said no. At one point I heard (b) (6), (b) (7)(C) yell at (b) (6), (b) (7)(C) to go back inside. The police officer laughed at this.
12. After about two minutes of trying to get the officer to speak to me, the call was disconnected. I tried calling back several times but there was no answer.

Signature (b) (6), (b) (7)(C)

Date:

11/19/2014



**From:** [Wilson, Nancy](#)  
**To:** [Martin, Terrance](#)  
**Cc:** [Henderson, Lisa Y.](#); [Williams, Jeffrey D.](#); [Ziegler, Meike](#)  
**Subject:** FW: McDonald's Corp.; 10-CA-139074  
**Date:** Wednesday, December 24, 2014 11:06:00 AM

---

Terrance,

(b) (5)

Jeff, Please solicit WD or draft a DIS.

---

**From:** Dunham, Geoffrey  
**Sent:** Wednesday, December 24, 2014 10:57 AM  
**To:** Wilson, Nancy  
**Cc:** Henderson, Lisa Y.; Williams, Jeffrey D.; Martin, Terrance; Ziegler, Meike; Harrell, Claude T.; Tursell, Beth  
**Subject:** RE: McDonald's Corp.; 10-CA-139074

Nancy, we concur w/ your decision. OK to process non merit determination. And many thanks to you, Lisa and the region for your work getting the consolidated complaint out. Have a merry Christmas! Geoff

---

**From:** Wilson, Nancy  
**Sent:** Wednesday, December 24, 2014 10:03 AM  
**To:** Dunham, Geoffrey  
**Cc:** Henderson, Lisa Y.; Williams, Jeffrey D.; Martin, Terrance; Ziegler, Meike; Harrell, Claude T.  
**Subject:** McDonald's Corp.; 10-CA-139074

Hi Geoff,

Today, the Region made a (b) (5) in the above case. However, it is being forwarded to you for final approval. Here is the link to the FIR: [FIR.10-CA-139074.McDonalds .docx](#)

Once the final determination is made, please respond to all those who are included on this email.

Thanks and have a nice holiday,

Nancy

**From:** [Paul Smith](#)  
**To:** [Turner, Matthew](#)  
**Cc:** [lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org); [Jaakov Schulman](#)  
**Subject:** RE: NLRB Case 10-CA-139074  
**Date:** Tuesday, December 30, 2014 1:34:12 PM

---

Mr. Turner –

We'd like to withdraw the charge in Case No. 10-CA-139074.

Please let me know if there's anything more I can do for you.

Best,

Paul

**Paul E. Smith**  
Patterson Harkavy LLP  
100 Europa Dr., Ste. 420  
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---

**From:** Turner, Matthew [<mailto:Matthew.Turner@nlrb.gov>]  
**Sent:** Tuesday, December 30, 2014 11:37 AM  
**To:** Paul Smith  
**Subject:** RE: NLRB Case 10-CA-139074

Thank you.

---

**From:** Paul Smith [<mailto:psmith@pathlaw.com>]  
**Sent:** Tuesday, December 30, 2014 11:28 AM  
**To:** Turner, Matthew  
**Cc:** [lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org)  
**Subject:** RE: NLRB Case 10-CA-139074

We're still waiting to hear back from folks on the ground. I'll let you know sometime today.

Thanks

Paul

**Paul E. Smith**

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---

**From:** Turner, Matthew [<mailto:Matthew.Turner@nlrb.gov>]  
**Sent:** Tuesday, December 30, 2014 11:33 AM  
**To:** Paul Smith  
**Subject:** NLRB Case 10-CA-139074

Mr. Smith,

I am writing to follow up on our phone conversation yesterday regarding the non-merit determination in this case. Do you have any update as to whether your client would prefer a long-form dismissal, short-form dismissal, or withdrawal of the charge? If I do not hear back then we will issue a long-form dismissal letter tomorrow. Please let me know if you have any questions.

Thank you,  
Matt

**Matthew Turner** | Field Attorney  
National Labor Relations Board, Region 10  
233 Peachtree Street NE, Suite 1000, Atlanta, GA 30303  
T: 404-331-2877 | F: 404-331-2858  
E: [matthew.turner@nlrb.gov](mailto:matthew.turner@nlrb.gov)

Agent: [AGENT NAME AND TITLE]

[illegible]



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December 30, 2014

Stephen C. Mitchell, Esq.  
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Andrew G. Madsen, Esq.  
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Jones Day  
77 W. Wacker Drive, Suite 3500  
Chicago, IL 60601-1701

Re: James Booth-JKS & K, Inc. d/b/a  
McDonald's & McDonald's Corp., as Joint  
and Single Employers  
Case 10-CA-139074

Dear Mr. Mitchell, Mr. Korn, Ms. Davis, Mr. Madsen, Mr. Ferrell, Mr. Grossman:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

CLAUDE T. HARRELL JR.  
Regional Director



(b) (6), (b) (7) JKS & K, Inc. d/b/a McDonald's & - 2 -  
McDonald's Corp., as Joint and Single  
Employers  
Case 10-CA-139074

December 30, 2014

cc:

(b) (6), (b) (7)(C)

James Booth-JKS & K, Inc. d/b/a  
McDonald's & McDonald's Corp., as Joint  
and Single Employers  
8584 Rivers Ave  
Suite 103  
North Charleston, SC 29406

Gloria Santona  
McDonald's Restaurant and McDonald's  
Corporation  
2111 McDonald's Drive  
Oak Brook, IL 60523

(b) (6), (b) (7)(C)

Southern Workers Organizing Committee  
314 S. Wilmington St, #207  
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Paul Smith, Esq.  
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100 Europa Drive  
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